

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF MICHIGAN
FLINT

Desmond Girard Walters
1301 W. Stewart Avenue
Flint, Michigan 48504-2279
(810) 931 - 5157

PLAINTIFF

***IN
PRO PER***

Case: 2:13-cv-11989
Judge: Rosen, Gerald E.
MJ: Komives, Paul J.
Filed: 05-03-2013 At 03:38 PM
CMP Walters v. Michigan, State of (krk)

Magistrate Judge: _____

VS

State of Michigan
Department of Licensing and Regulatory Affairs
Rae Ramsdell, Director BHP
P.O. Box 30670
611 W. Ottawa
Lansing, Michigan 48909
(517) 335 - 0918

DEFENDANTS

/

COMPLAINT

Complaint For: (1) Discrimination under the American with Disabilities Act of 1990, Title II , (2) Intentional Infliction of Emotional Distress .

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NOW COMES the Plaintiff/Applicant Desmond G. Walters (here after plaintiff-applicant, and in the third person i.e., he, him, his etc.) on his own behalf without representation or aide of counsel.

Plaintiff has filed this Complaint with a Federal Agency designated in the Title II regulation to investigate Title II Complaints and is not satisfied with the outcome. Moreover, the Plaintiff has exhausted his administrative remedies and is now filing his Complaint in Federal Court based on Official Documents or Act, the 2011 FINAL DENIALS for State licensing. ***Pursuant to Title II-9.1000 (1) & (2) ; Title II-9.2000 (2) ; under FRCP 9 (d) .***

Plaintiff would like to report this is a Case that has been dismissed before, Case No. 09-13294, before District Judge Bernard A. Friedman and Magistrate Judge Mark A. Randon, however since that time, we have a new Governor and as a result, the Public Entity has a new name and new Director, therefore this is a new Case, technically that is, in strict interpretation. Finally, the Plaintiff is not an attorney and is not trying to be one. He is only representing himself to the best of his ability, humbly as a Pro Se Litigant.

The Plaintiff/Applicant has been applying for a Michigan Occupational License for 16 years now, in the beginning he had a criminal conviction history record which was far enough in the past then not to be considered, much less at this time. Two of his legal issues was related to alcohol and other drugs. He is bring these consolidated Cases on his most recent Applications of 2009 with all his previous applications and prior denials from a historical perspective to prove the *ongoing* cause of action - DISCRIMINATION. Due to the lack of communication with the Plaintiff by the Defendants, he is compelled to keep attacking the State Agencies until he get's the relief requested.

The Applicant/Plaintiff has done everything the State Agencies have asked of him in a timely manner when their necessity was brought to his attention, with no recognition, acknowledgment, first chance or relief for doing so.

The Plaintiff/Applicant clearly believes he won the Hearing-Tribunals on the 2006 Applications and again on the most recent 2009 Applications with no disrespect to either of the Administrative Law Judge's, he has too protect his Civil Rights.

APPLICABLE LAWS

MCL 338.43 Sec.78 (1) The following criminal records shall not be used, examined, or requested by a licensing board or agency in a determination of good moral character when used as a requirement to establish or operate an organization or facility regulated by this state, or pursuant to occupational or professional licensure :

(b) Records of a conviction which has been reversed or vacated, included the arrest records relevant to that conviction.

(2) A criminal record shall not be furnished to a licensing board or agency except by the principle department, and shall be furnished only after the Director of the principle department or a person designated by the Director has determined that the information to be provided to the board or agency meets the criteria set forth in this section.

DOCTORINE OF CONTRA NON VALENTEM

The rule that a limitations or prescriptive period does not begin to run against a plaintiff who is unable to act, usually because of the defendants culpable act such as concealing material information that would give rise to the plaintiff's claim.

TITLE II

Title II of the ADA applies to public agencies, including state and local governments. It provides that people with disabilities cannot be discriminated against or excluded from the benefits of the services, programs, or activities of a public entity because of disability.

The failure to make certain programs and activities accessible to disabled individuals can be considered *discrimination*, such as licensing, a person is a “ *qualified individuals with a disability*” with respect to licensing or certification if he or she can meet the *essential eligibility requirements* for receiving the license and/or certification.

Licensing programs often do require applicants to demonstrate specific skills, knowledge, and abilities. Public Entities may not discriminate against *qualified individual with disabilities* who apply for licenses, but may consider factors related to the disability in determining whether the individual is “Qualified”.

STATE IMMUNITY

Section 35.178 restate the provision of section 504 of the Act that the State is not immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court for violations of the Act, and that the same remedies are available for any such violations of the Act, and that the same remedies are available for any such violations as are available in an action against an entity other than a State.

The Plaintiff/Applicant Desmond Girard Walters, hails from Flint Genesee County, Michigan and thus “*Venue*” is proper in the Federal District Court, Eastern District of Michigan.

I Desmond Walters the Plaintiff/Applicant state and allege on my own behalf the following:

STATEMENT OF ALLEGATIONS

1. Plaintiff/Applicant alleges he has a valid Claim Count (1) under Title II of the ADA, the Defendants continuously keep discriminating against a “*qualified individual with disabilities*” with respect to *Licensing* (i.e., a Public Entities activity) who has applied for licenses 9 different times over 16 years for an actual loss, against their on policies, laws an the *equal protection clause*, the Applicant asserts he meets the “*essential eligibility requirements*” he is a *Qualified* individual by holding a Bachelors Degree in Social Work from the University of Michigan @ Flint, the River Front Campus since April 27th, 1991. In addition he holds an Advanced or Graduate Degree in Counseling from De Paul University @ Chicago, the Lincoln Park Campus since June 14th, 1997 .

* Unfortunately, Plaintiff has a past record of *disabilities* including but not limited to drug possession convictions, alcoholism, heart disease and cancer. Plaintiff says he also has physical impairments that do not substantially limit major life activities (i.e., working and licensing), but is being *regarded as* if they do, as a way of compliance in recent years the Plaintiff has even completed successfully 3 years of supervised Court-Ordered drug treatment and having a *criminal record* is no barrier to Licensing. Finally, the Defendants do not have 11th Amendment immunity for violations of the Act, 8th & 14th Amendments and or the Constitution **Pursuant to Title II-2.1000 (2) & (3) ; Title II-2.2000 (1-3) ; Title II-2.3000 (3) Title II-2.5000 (1) & (2) ; Title II-2.6000 (2) ; Title II-3.7200 ; Title II-3.5300 ;** *Plaintiffs Exhibit 2 . [Tr., pg. 74, lines 20-25 ; pg. 75, lines 1-7] .*

2. A *essential eligibility requirement* for obtaining a license to practice a health profession is the ability to practice Social Work and Counseling safely and competently. State Agency X requires Applicants for licenses to practice a health profession to disclose whether they have ever had any physical and mental disabilities. * A much more rigorous investigation is undertaken of applicants answering in the *affirmative* than of others. This process violates Title II because of the additional burdens placed on individuals with disabilities, and because the disclosure requirement is not limited to conditions that *currently* impairs one's ability to practice Social Work and Counseling **Pursuant to Title II-3.5300 ; Title II-3.7200 ;** *Plaintiffs Exhibit 13 ; Plaintiffs Exhibits 11 ; Plaintiffs Exhibit 7 .*

3. Applicant/Plaintiff contends that another prior denial on October 23rd , 1998 his second, on page 2 of 5 & 6 of the current Intent to Deny was and is inappropriate and the Plaintiff reports that the only issue that should have been before the Defendants are his qualifications and moral character as they exist at that time or today *according to MCL 338.42* which is a Claim Count (1) Retaliatory-Discrimination because the Defendants was actually offended by the Plaintiff/Applicants *Letter* of opinion (i.e., State's Exhibit L) on the 3 misdemeanor convictions on his record that he was told to give an explanation on. Besides the Defendants have some things the Plaintiff-Applicant wants, not the other way around therefore he would not do or say anything to upset the Defendants intentionally. That being said, on page 11 from the initial 'Proposal For Decision', Docket No. 2001-415 paragraph # 2 its clearly stated by ALJ Renee A. Ozburn Quote: "*Unfortunately, Mr. Walters uncontrolled urge to write a letter to the Board in 1997, did nothing to enhance his position that he is rehabilitated from 10 and 20 year old convictions*" , end quote. Which is a violation of the Constitution and or statute, the Defendants disregarded the Plaintiffs 1st Amendment rights of 'Liberty of Speech' (i.e., free speech), and therefore discriminated by not issuing a registration/license by law(s), *MCL 338.42, Sec. 2* and contrary to the Former Offenders Act, for which the right was created while of no benefit to the Defendants, failure to exercise sound judgement causes damage to the Former Offender based on his characteristics as such and for the Defendants to not follow state laws that provide second chances by way of licensing ex-offenders is discrimination and a violation of his Civil Liberty Rights ***Pursuant to Title II-3.11000 (2)*** .

4. Plaintiff pleads he has been applying for a Michigan Occupational License for 16 years, 9 different applications, unfortunately the Plaintiff/Applicant had a criminal background in the beginning of 3 misdemeanors, now the first two from 1980 and 1981 was youthful transgressions and was already over 15 years old before he first applied, an having a criminal **record** is no barrier to licensing. Therefore, he has been denied 9x's based solely on one and the same misdemeanor "controlled substance" marijuana possession conviction over the last 16 years, from June 12th, 1992. Furthermore, a person who casually used drugs illegally in the past but did not become addicted is not an individual with a disability based on the past drug use. For a person to be protected as a person with a disability, s/he must have an addiction rather than been a casual drug user. * Protected individuals include persons who have successfully completed a supervised drug rehabilitation program or otherwise been rehabilitated successfully and who are not engaged in current illegal use of drugs.

* Finally, a person who is erroneously regarded as engaging in current illegal use of drugs is protected. The Plaintiff applied because he was eligible and qualified, actually over qualified for the Social Work Technician registration or he would not have applied all he needed to maintain employment in his chosen profession at the time, in order to take care of his family. As a result of the Defendants intentional infliction of emotional distress due to their extreme and outrageous conduct of having the Applicant be '*regarded as*' a current user of illegal drugs and mandating him to go to Rehabilitation without any legitimate and justifiable reason and having damaged the Plaintiff by taking away the core of his life and all of his career for sixteen years and is just now admitting it, in the 2009 Applications Final Denials dated December 15th, 2011 (i.e., received 12/22/2011 without proof of service) the day after the

Plaintiff/Applicants Birthday and during the Christmas Holidays is conduct underlying this tort claim that is so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be *regarded as* atrocious and utterly intolerable in a civilized community. This is severe oppression to hold the Applicant in a precarious/dependant position without ever allowing him a chance to live his dream is clearly discrimination, because the Plaintiff/Applicant is what his record says he is and that's a '*qualified*' person with a history/ record of present and past disabilities and or is being *regarded as* such which is also protected under Title II of the ADA. **Pursuant to Title II-2.3000 (3) ; Title II-2.6000 (1-3) ;**
Title II-2.1000 (2) ; Title II-2.2000 (1-3) ; Title II-2.5000 (1-2) ; Title II-2.8000 (1) ;
Title II-3.11000 (2) ; Title II-3.7200 ; Plaintiffs Exhibits 2, 7, 8, & 11 ; State's Exhibit H

5. The Plaintiff shall now prove what he has been saying all along with the documentary evidence in support from the beginning in 1996 thru to the present 2011 that all his Final Denials including the most recent two were based solely on his antiquated-old disability **record** of a misdemeanor "controlled substance" marijuana possession conviction that was over five years old when the final decision to deny him the registration/license was made. A person who casually used drugs illegally in the past but did not become addicted is not an individual with a disability based on the past drug use. * However, a person who is erroneously *regarded as* engaging in current illegal use of drugs is protected . Plaintiff reports that his then prior employer Community Recovery Services, Inc., had drug tested the Plaintiff previously that year for primarily Marijuana use with that test result being *negative* for all drugs that was available to them in the Defendants files, instead they utilized the drug

test to fabricate false evidence against the Plaintiff to deny him a Public Entities *activity* (i.e., registration/licensure) for Lack of Good Moral Character - GMC and no proof of Rehabilitation which was at best erroneously believing the Applicant was currently using illegal drugs, wilfully, maliciously and discriminately *Contrary to M.E.S.C Act 29 (1)(m)(iii) ; 7th Circuit Court case no. 09-91234 CZ, Exhibit X ; State's Exhibit H*. Therefore, the State Agencies decisions were not supported by competent, material and substantial evidence on the whole **record** and was made upon unlawful procedures resulting in material prejudice to the Plaintiff/Applicant **Pursuant to Title II-2.3000 (3) & (4) ; Title II-2.6000 (1-3) ; Title II-2.2000 (1-3) ; Title II-3.7200 ; Title II-3.11000 (2) ; 14th Amendment 'equal protection clause' ; Plaintiffs Exhibits 7, 8 specifically page four , & 11 .**

6. Plaintiff also contends that he knows several women and men whom have at least a half dozen felonies and a dozen misdemeanor on their criminal **records** and they are License Master Social Workers they have been on illegal drugs, alcohol and have been to prison a/k/a correctional facilities and for the Defendants to deny this Applicant for over sixteen years is discrimination, because there is no reasonable explanation for this differential treatment between those you like and those you don't like. Plaintiff argues this is a violation of the '*equal protection clause*' and his fundamental rights or a suspect classification between the Plaintiff and others. Governmental action that affects substantial rights or make certain classifications necessitates the use of a heighten scrutiny test. Under this test, the burden is on those defending the discrimination to show that the legislation serves important governmental objectives and that the discriminatory means are substantially related

to achieving the objectives. ***Pursuant to Title II-2.1000 (3) ; Title II-2.2000 (1-3) ; Title II-2.3000 (3)(4) ; Title II-2.5000 (1) ; Title II-2.6000 (1-3) : Title II-2.8000 (1) ; Title II-3.7200 ; Title II-3.1100 (2) ; Plaintiffs Exhibits 7, 8 pg. four, 13 ; State's Exhibit K.***

7. Plaintiff alleges the Defendants are responsible for a Claim Count (1) Retaliatory-Discrimination, when they reportedly sent false information to the National Practitioner Data Bank on January 20th, 2012 saying his application for a master social work license was denied. Furthermore, stating the Applicant failed to meet the initial requirements of a license, which is all falsehoods/defamation. The Plaintiff has never applied for a master social work license and his denials for licensure was based solely on a twenty-one year old misdemeanor 'controlled substance' marijuana possession from June 11th, 1992 , that is punishable by one year, and which was five years old when his original application for a social work technician registration was finally denied *contrary to Public Act No. 299 PA 339.602 of 1980, section 604 (d) which states: "Commits or has committed a felony or a crime involving fraud or moral turpitude within the past five years ", end quote.*, on July 22nd, 1997 at the BOARD OF EXAMINERS OF SOCIAL WORK board meeting for Lack of Good Moral Character - GMC and no proof of Rehabilitation , 16 years ago.

* A person who casually used drugs illegally in the past but did not become addicted is not an individual with a disability based on the past drug use.

Clearly, this is DISCRIMINATION based on the Plaintiff/Applicant **record** of casual use of a illicit drug against his Civil Rights of a person whom was being '*regarded as*' a current or recent user of a illegal drug in violation of Title II of the ADA. **Pursuant to Title II-3.11000 (2) ; Title II-2.6000 (2) & (3) ; Title II-2.1000 (2) & (3) ; Title II-2.2000 (1-3) ; Title II-2.5000 (1) & (2) ; Title II-2.8000 (1) ; Title II-3.5200 ; Title II-3.7200 ; Title II- 3.9000 ; Plaintiffs Exhibit 10 ; Plaintiffs Exhibit 8 specifically page 4 .**

8. Plaintiff argues he has several letters and board meeting minutes (i.e., exhibit 8) wherein the licensing division repeatedly are telling him to go to rehabilitation when they knew or should have known they had no evidence of substance abuse or dependence, and the Plaintiffs **record** of a marijuana possession 4 ½ years prior did not disqualify him for registration or licensing. Add to that, the cannabis conviction MCL 333.7403 (d) helps (i.e., by being '*regarded as*') qualify the Applicant as an American with a Disability (i.e., he was /is protected whether he has an impairment or not) and having a bachelors degree in social work since 1991, at that time, and in applying for licensing initially in December 1996 and being denied 9x's , well that's DISCRIMINATION .
The American with Disabilities Act of 1990 under Title II , the ADA is a federal law that prohibits *discrimination* against *qualified* individuals based on their past **record**.
The Plaintiff alleges he was over qualified because he only was seeking a Social Work Technician - SWT registration/license MCL 339.1604 while holding a bachelors in social work for the Registered/Licensed Bachelor Social Work - RBSW/LBSW , MCL 339.1605

with all this being known and now said the Defendants are directly liable for a lawsuit for actual or compensatory damages for any injuries suffered, including compensation for Claim Count (2) any *emotional distress* caused by the DISCRIMINATION , punitive damage or triple damages, restitution, retribution and any other relief and or reward for the past 16 years. *Pursuant to Title II-2.6000 (2) & (3) ; Title II-2.1000 (2) & (3) ; Title II-2.2000 (1-3) ; Title II-2.3000 (3) & (4) ; Title II-2.5000 (2) ; Title II-2.8000 (1) ; Title II-3.5200 ; Title II-3.7200 ; Plaintiffs Exhibits 8 , 11 & 14 ; MCL 339.916 (2) .*

9. Plaintiff pleads the Federal District Court finds for the Applicant an will grant an award for Civil Penalties of not less than 3 times the compensatory damages to substantiate relief and or adequate recovery from the '*ongoing*' injury, loss and suffering caused by the Defendants over the past sixteen years for *erroneously* being '**Regarded As**' , *Pursuant to The American with Disabilities Act of 1990 under Title II ; Title II-2.1000 (2) & (3) ; Title II-2.5000 (1) & (2) ; Title II-2.6000 (2) & (3) ; Title II-2.3000 (3) & (4) .*

10. At the Hearing held March 22nd, 2011 , at Docket Nos. 2011-238 & 2011-239

Ms. Ann Ward-Fuchs: pg.74, line 22 , Good afternoon, Mr. Walters

Mr. Walters: pg.74, line 23, Good afternoon Ms. Ward-Fuchs, Ms. Ann .

Ms. Ward-Fuchs: pg.74, line 24, Okay, Are you currently working ?

Mr. Walters: pg.74, line 25, No.

Ms. Ward-Fuchs: pg.75, line 1 , Okay, And how do you support yourself ?

Mr. Walters: pg.75, lines 2-3, I am currently receiving Social Security Disability due to

stage 4 colon cancer that was diagnosed in 2004 .

Ms. Ward-Fuchs: pg.75, line 4, Okay, And what's the status of that cancer ?

Mr. Walters: pg.75, lines 5-6, The cancer is now in remission, it's been in remission for six years.

Ms. Ward-Fuchs: pg.75, line 7, Okay .

Title II protects individuals who have a **record** of a physical impairment, and those who are erroneously '**regarded as**' having such an impairment, whether they have the impairment or not. The Defendants having reviewed the administrative record at a regularly scheduled meeting according to their statements in both the 2011 FINAL DENIALS, the officially signed documents and accepted the Proposal For Decision denying the Plaintiffs 2009 Applications based solely on the one and the same misdemeanor 'controlled substance' marijuana possession conviction in the original FINAL DENIAL on the 1996 - 97 Application, an that the Plaintiff did not submit any proof of rehabilitation with. * A person who casually used drugs illegally in the past but did not become addicted is not an individual with a disability based on the past drug use. * At best, the Plaintiff is and was erroneously diagnosed by being regarded as a current user of a illegal drug.

Secondly, since that time, he has completed 3 years of Court-Ordered supervised drug treatment and monitoring and *two* other rehabilitation programs and has not used drugs illegally for some years, which is also covered by the ADA.

Additionally, it is undisputed the Applicant has a history of Cancer, so either way the Plaintiff is what his **record** says he is an that's a *qualified individual with past and present*

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disabilities. Ain't nothing changed except the color of his hair. The Defendants still haven't gotten any proof of current illegal use of drugs in 16 of the last 21 years. Numbers don't lie , people tell lies all the time. Pursuant to Title II-2.1000 (2) & (3) ; Title II-2.2000 (1-3) ; Title II-2.3000 (3) & (4) ; Title II-2.5000 (1) & (2) ; Title II-2.8000 (1) ; Plaintiffs Exhibits 7, 8 specifically page four , 11 ; State's Exhibit H ; State's Exhibit K .

THE END

“PRAYER FOR RELIEF”

WHEREFORE Plaintiff is asking this Honorable Federal District Court for substantial money damages in the amount of Five Million Dollars (i.e., \$5,000,000.00) from the Co-Defendants joint several civil liability and the Plaintiff/Applicant/Complainant hopes the Court finds for the same damages or greater.

VERIFYING STATEMENT

I declare under penalty of perjury that the allegations in the Complaint are true.



Desmond G. Walters
Plaintiff-Applicant Desmond G. Walters

Dated: 5-3-2013

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PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing Summons and Complaint with exhibits/attachments was served upon all Parties and and or Attorneys of record in this matter by United States Postal Services by mailing same via certified mail return receipt requested, at their respective addresses on _____ day of May 2013.

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PLAINTIFFS

EXHIBITS

Michigan Department of Community Health
 Board of Social Workers
 P.O. Box 30670
 Lansing, MI 48909
 (517) 335-0918
www.michigan.gov/healthlicense

CERTIFICATION OF SOCIAL WORK EDUCATION

Authority: Public Act 368 of 1978, as amended
 If this form is not completed, a license will not be issued.

INSTRUCTIONS: Complete Section I. Type or print your name exactly as it appears on your application. For completion of Section II, send this form to the Director of your education program or the Registrar of the institution in which you completed your course work or social work degree. This certification must be submitted directly to the Michigan Board of Social Workers by your educational institution along with a final official transcript.

SECTION I - APPLICANT INFORMATION

| | | |
|--|---|-----------------------------|
| First Name Desmond | Middle Name Girard | Last Name Walters |
| U.S. Social Security Number [REDACTED] | Date of Birth [REDACTED] | |
| Street Address 1301 W. Stewart Avenue | | |
| City Flint | | |
| State Michigan | ZIP Code 48504-2279 | |
| Name and Address of Educational Institution University of Michigan - Flint | Degree Awarded (if Applicable) Bachelor of Arts | |
| Date of Admission Summer 1987 | Date of Completion April 1991 | |

| | |
|---|------------------------|
| Signature of Applicant Desmond S. Walters, MA, LCSW | Date 10-6-86 |
|---|------------------------|

APPLICANT: UPON COMPLETION OF SECTION I, SEND THIS FORM TO YOUR EDUCATIONAL INSTITUTION FOR COMPLETION OF SECTION II ON THE NEXT PAGE.

The Department of Community Health will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

*Pkt. 7
7/10/18*

Name

Desmond Girard Walters

THIS SIDE TO BE COMPLETED BY THE EDUCATIONAL INSTITUTION

Please complete the following information. Return this completed certification along with a copy of the applicant's transcript directly to the Michigan Board of Social Workers at the address shown on the reverse side of this form.

SECTION II - CERTIFICATION OF EDUCATION FOR SOCIAL WORK

Name of Educational Institution

University of Michigan-Flint

I certify that Desmond Walters (Applicant's Name) attended the

educational institution named above from SEP, 1987 (Month/Day/Year) to May 1, 1991 (Month/Day/Year) was granted

the following degree and/or completed the course work as checked below:

Master's degree in Social Work granted on _____ (Month/Day/Year)

Bachelor's degree in Social Work granted on May 1, 1991 (Month/Day/Year)
Social Work Program
accredited in 1988

Associate degree in Social Work granted on _____ (Month/Day/Year)

This degree included at least 18 semester or 27 quarter hours of social work courses

This degree included a field placement or internship of 350 hours of experience under the supervision of a licensed bachelor's or master's Social Worker.

Two years of college education in an accredited college or university with the completion of at least 60 semester or 90 quarter hours.

This course work included at least 4 courses relevant to human service needs.

Signature of Program Director

Charles H. Bailey

Date

10-24-07

(SEAL)

Print or Type Name of Program

If school has no seal, please indicate

Pkt 2
Wk 2

The University of Michigan

to all who may read these letters, Greetings:

Hereby it is certified that upon the recommendation of

The Regents of The University of Michigan have conferred upon

President Churchill

in recognition of the satisfactory fulfillment of the prescribed
requirements the degree of

Bachelor of Arts

with all the rights, privileges, and honors thereto pertaining
here and elsewhere.

Dated at Flint, Michigan this fourteenth day of April, nineteen hundred and ninety-one



James A. Donald
President

R. D. Kennedy
Secretary

Clinton R. Jones
Chancellor

Recd. 2-23

To all to whom these presents may come, Greeting:

Be it Known that
the Board of Trustees on the nomination and approval of the Faculty do hereby confer upon
Desmond Walter
who has satisfactorily completed the required course of study appropriate for this distinction
the degree of

Master of Arts

together with all the rights, privileges and honors which appertain thereto.

In witness Whereof the President of the University and the Secretary of the Board of Trustees have
hereunto set their hands and affixed the seal of the University at Chicago, Illinois, June 14, 1997.

John M. O'Brien
Secretary
June



Rev. John M. O'Brien
President

C. A.
Rev. 2/2



Illinois Department of Financial and Professional Regulation

Division of Professional Regulation

PAT QUINN
Governor

MICHAEL T. MCRAITH
Acting Secretary

DANIEL E. BLUTHARDT
Director
Division of Professional Regulation

CERTIFICATION OF LICENSURE

DESMOND G WALTERS
1301 W STEWART AVE
FLINT, MI 48504

Licensee: DESMOND G WALTERS
License Number: 178.002216
Profession: LICENSED PROFESSIONAL COUNSELOR
Date of Issuance: 04/08/2002
Expiration Date: 03/31/2011
License Status: ACTIVE
License Method: LIC BY EXAM
Disciplinary History: Has not been disciplined

This document is a certified copy of the records maintained and kept by this Department in the regular course of business as of today's date.



Daniel E. Bluthardt

April 28, 2009

Date

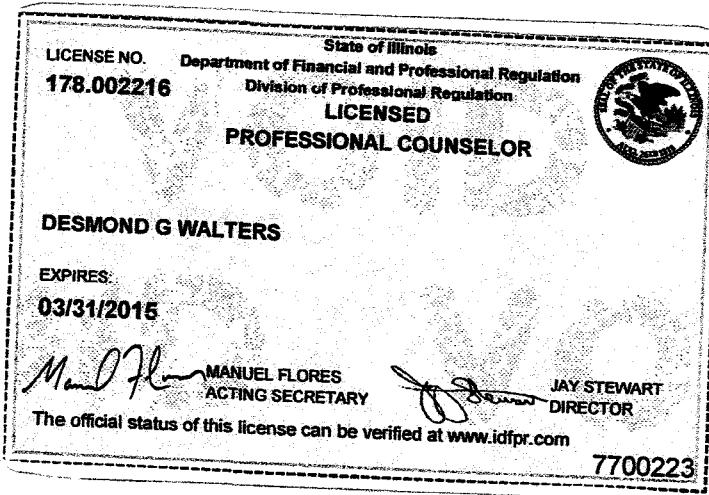
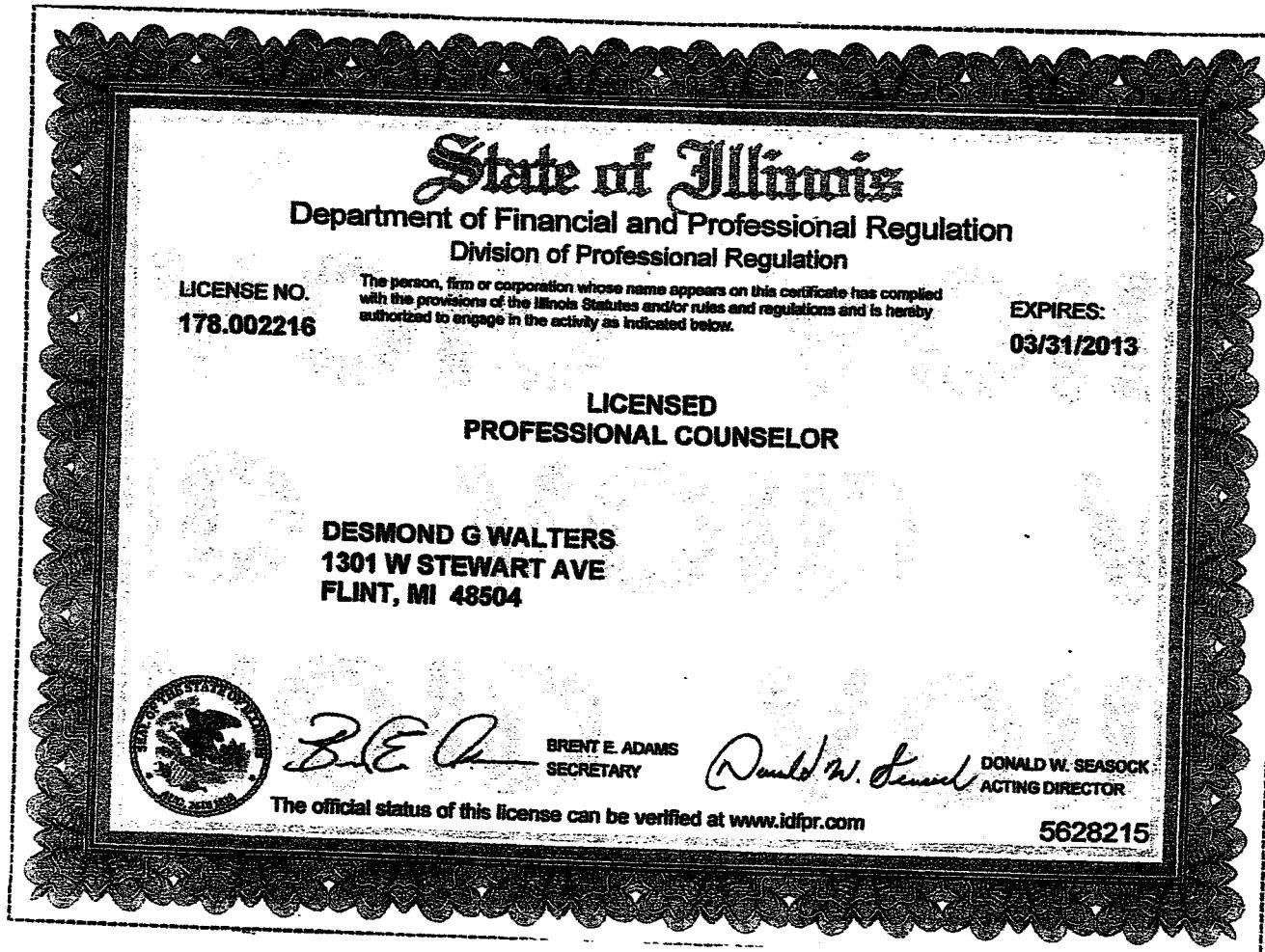
Director

Division of Professional Regulation

Refer to the Department's Web Site at www.idfpr.com to verify professional licenses via License Look-Up.

Plt.
Exh.
J-5

Please contact the Division of Professional Regulation, Licensure Maintenance Unit, at 217-782-0458 if you have any questions.



Plt.
Exh.
2-6

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF SOCIAL WORK

Rec'd 10/22/2011
In the Matter of the
Application for Licensure of
DESMOND GIRARD WALTERS

File Number: 68-09-114009
Docket Number: 2011-239

FINAL ORDER DENYING LICENSURE

On or about March 3, 2009, Desmond Girard Walters, hereafter Petitioner, filed with the Michigan Board of Social Work, hereafter Board, an application for a bachelor's social work license.

On October 15, 2009, the Department of Licensing and Regulatory Affairs, Bureau of Health Professions, hereafter Department, filed a Notice of Intent to Deny Application for Licensure, charging Petitioner with having violated sections 16221(a), 16221(b)(vi), 16221(b)(xi), and 16221(l) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

An administrative hearing was held in the matter before an administrative law judge, who, on August 26, 2011, issued a Proposal for Decision setting forth recommended findings of fact and conclusions of law.

The Board, having reviewed the administrative record, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on November

*Plt. 1
Exh. 1*

22, 2011, and accepted the administrative law judge's findings of fact and conclusions of law contained in the Proposal for Decision. Now therefore,

IT IS HEREBY ORDERED that Petitioner's application for licensure is DENIED.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Board's Chairperson or authorized representative, as set forth below.

Dated: 12/15/2011

MICHIGAN BOARD OF SOCIAL WORK

By Rae Ramsdell
Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of a Final Order Denying Licensure in the matter of Desmond Girard Walters, File Number 68-09-114009, Docket Number 2011-239, before the Michigan Board of Social Work, consisting of two pages, this page included.

db

Plt. 1
Pgt. 1

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH PROFESSIONS
BOARD OF COUNSELING

In the Matter of the
Application for Licensure of

DESMOND GIRARD WALTERS

File Number: 64-09-112286
Docket Number: 2011-238

FINAL ORDER DENYING LICENSURE

On or about March 3, 2009, Desmond Girard Walters, hereafter Petitioner, filed with the Michigan Board of Counseling, hereafter Board, an application for licensure as a licensed professional counselor.

On July 14, 2009, the Department of Licensing and Regulatory Affairs, Bureau of Health Professions, hereafter Department, filed a Notice of Intent to Deny Application for Licensure, charging Petitioner with having violated sections 16221(a), 16221(b)(vi), 16221(b)(xi), and 16221(l) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq.

An administrative hearing was held in the matter before an administrative law judge, who, on August 26, 2011, issued a Proposal for Decision setting forth recommended findings of fact and conclusions of law.

Pkt. 1²
Wth.

On or about September 9, 2011, Petitioner filed Petitioner's Proposed Exceptions to the Proposal for Decision.

The Board, having reviewed the administrative record, considered the within matter at a regularly scheduled meeting held in Lansing, Michigan, on December 2, 2011, and accepted the administrative law judge's findings of fact and conclusions of law contained in the Proposal for Decision. Now therefore,

IT IS HEREBY ORDERED that Petitioner's application for licensure is DENIED.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Board's Chairperson or authorized representative, as set forth below.

Dated: 12/15/2011

MICHIGAN BOARD OF COUNSELING

By Rae Ramsdell
Rae Ramsdell, Director
Bureau of Health Professions

This is the last and final page of a Final Order Denying Licensure in the matter of Desmond Girard Walters, File Number 64-09-112286, Docket Number 2011-238, before the Michigan Board of Counseling, consisting of two pages, this page included.
kp

MESC 1302

SO 883 5402 OLIO RD.

MICHIGAN EMPLOYMENT SECURITY COMMISSION

FLINT

MI 48504

NOTICE OF DETERMINATION

FOR CLAIM OF: 909-04-3888
WALTERS DESMOND
1801 W STEWART AVE
FLINT MI 48504-2270

INVOLVED EMPLOYER: 1026784 000
COMMUNITY RECOVERY SERVS INC
118 NORTH GRAND TRAVERSE
FLINT MI 48503-5820

FILED: 04/09/96 BYB: 04/14/96

YOU WERE TERMINATED ON 4-4-96. YOUR EMPLOYER REQUESTED THAT YOU SUBMIT TO A DRUG TEST ON 4-1-96 WHICH YOU DID. THE RESULTS OF THE DRUG TEST SEEM TO BE SOMEWHAT CONFLICTING, AS THREE TEST RESULTS WERE TURNED IN. TWO SHOW NEGATIVE AND THE THIRD ONE SHOWS POSITIVE. YOU HAD ANOTHER TEST DONE ON 4-5-96 WHICH WAS NEGATIVE ALSO. YOU DENY ANY USE OF DRUGS. BASED ON THE AVAILABLE INFORMATION:

IT IS FOUND THAT YOU WERE NOT DISCHARGED FOR TESTING POSITIVE ON A DRUG TEST.
YOU ARE NOT DISQUALIFIED FOR BENEFITS UNDER SEC. 29(1)(M) OF THE MESC ACT.

*PLT: 8
ewh*

IF YOU DISAGREE WITH THIS (RE)DETERMINATION, REFER TO "PROTEST/APPEAL RIGHTS" ON THE REVERSE SIDE OF THIS FORM.

CLAIMS EXAMINER: STAMBERSKY J. A.
DATE NOTICE WAS MAILED OR PERSONALLY SERVED:

MESC 1302

MICHIGAN EMPLOYMENT SECURITY COMMISSION

BO 083 5402 CLIO RD.

FLINT

MI 48504 0

NOTICE OF REDETERMINATION OF A DETERMINATION

FOR CLAIM OF: 000-00-0000
WALTERS DESMOND
1301 W STEWART AVE
FLINT MI 48504-2279

INVOLVED EMPLOYER: 1028784 000
COMMUNITY RECOVERY SERVS INC
119 NORTH GRAND TRAVERSE
FLINT MI 48503-5820

FILED: 04/09/98 BYB: 04/14/98

YOUR EMPLOYER REQUESTED A TIMELY REDETERMINATION STATING YOU WERE TERMINATED BECAUSE YOUR DRUG SCREENING CAME BACK POSITIVE. HOWEVER, IT HAS NOT BEEN CLEARLY ESTABLISHED YOUR TESTS PROVED YOU HAD TAKEN DRUGS. IT IS REDETERMINED, YOUR SEPARATION WAS FOR REASONS OTHER THAN DRUG ABUSE. THEREFORE, THE DETERMINATION ISSUED 5-9-98 IS HEREBY AFFIRMED.

IT IS FOUND THAT YOU WERE NOT DISCHARGED FOR TESTING POSITIVE ON A DRUG TEST. YOU ARE NOT DISQUALIFIED FOR BENEFITS UNDER SEC. 29(1)(M) OF THE MEG ACT.

Pff: B
wth:

IF YOU DISAGREE WITH THIS (RE)DETERMINATION, REFER TO "PROTEST/APPEAL RIGHTS" ON THE REVERSE SIDE OF THIS FORM.

CLAIMS EXAMINER:

ADJUD TASK FORCE A

T



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Office of Commercial Services

Board of Examiners of Social Workers
P.O. Box 30018
Lansing, Michigan 48909-7618
Telephone: 517-241-9245
TDD: 1-800-649-3777

July 3, 1997

Desmond G. Walters
1301 W. Stewart Avenue
Flint, MI 48504-2279

Dear Mr. Walters:

On April 17, 1997, you wrote to our office asking that the Denial of your application for registration as a social worker be deferred until the Board's July 22 meeting to allow you to submit information concerning why you should be granted registration. To date, however, you have not submitted anything concerning your appeal. Please be advised that unless you submit information relative to your rehabilitation and ability to serve the public in a fair, honest and open manner by July 14, 1997, your application will be considered null and void and your application fee forfeited.

Your cooperation is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne U. Jolicoeur".

Suzanne U. Jolicoeur
Licensing Administrator

Pkt. 8³
EGH

Board of Examiners of Social Work

Board Minutes - July 22, 1997

Page 6

Mr. Gust moved to uphold the Department's denial; Mr. Lyberg seconded the motion; the motion passed unanimously. Ms. Keene stated that the Department concurred with the Board's decision.

GMC

A. Desmond G. Walters

Ms. Keene informed the Board that Mr. Walters was denied registration as a social work technician for lack of good moral character. Mr. Walters was convicted of possession of a controlled substance, soliciting a prostitute and misuse of animals. Mr. Walters submitted a letter explaining his position on each conviction, but did not submit any proof of his rehabilitation.

Mr. Gust moved to uphold the Department's denial; Ms. Pruitt seconded the motion; the motion passed unanimously. Ms. Keene stated that the Department concurred with the Board's decision.

OLD BUSINESS

A. Rachel Green

Ms. Green's application was deferred from the May meeting, pending receipt of a copy of her Discharge from Probation. To date nothing has been received. Action will be deferred until the next board meeting (September 16, 1997) to provide Ms. Green more time to collect the needed documents.

ELECTION OF OFFICERS

Mr. Gust moved and Mr. Cronstrom seconded a motion to reelect Linda Cunningham as chairperson and Lisa Pruitt as vice chairperson. The motion passed by acclamation.

STAFF REPORTS

Both Ms. Keene and Ms. Pruitt reported on information they had received from social work boards in other states regarding how examinations are administered in their states. Ms. Pruitt will do further research regarding what the responsibilities of the board are and what the responsibilities of a contractual exam administrator are.

Mr. Lyberg moved and Ms. Pruitt seconded a motion to request the Department to pursue legislation requiring an examination for social worker and certified social worker registration. The motion passed with Mr. Gust voting "no". The board members agreed that the "basic" exam should be used for social worker registration and the "advanced" exam for certified social worker registration. No changes were recommended for social work technician registration.

Ms. Keene will address the students in the Social Work Program at Wayne State University on November 6, 1997.

TRUE COPY

Lisa Pruitt

State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Office of Commercial Services

Board of Examiners of Social Workers
P. O. Box 30018
Lansing, MI 48909
Telephone: 517-241-9245
www.cis.state.mi.us/ocs

January 27, 1999

DESMOND WALTERS
1301 W STEWART AVE
FLINT MI 48504-2279

Dear Mr. Walters:

The Michigan Board of Examiners of Social Workers, at its January 26, 1999 meeting, upheld the denial of your application for Good Moral Character because you have failed to show rehabilitation. The Department concurred with the Board's decision.

We regret that we cannot be of further assistance at this time.

incredibly,

Sarah J. Rock

Sarah J. Rock
Secretary
Board of Examiners of Social Workers

sjr

Pkt. 8^b
etk.

December 27, 1996
Page 1

To: State of Michigan - SWK
Department of Commerce
Bureau of Occupational & Professional Regulation
Commercial Licensing Division

Re: Conviction History

Greetings, I Desmond G. Walters take up my pen to respond to a request for information concerning convictions for which I was charged and the dispositions.

First, I would like to say that I have been arrested well over a dozen times to date for crimes I didn't commit ,of course (smile). I feel as though I was a victim of my environment.

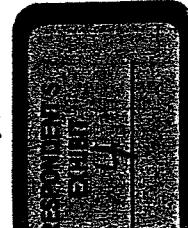
Secondly, the three convictions for which I was charged they all were misdemeanors,not to discount them or anything I still feel terrible for what I did and today I can gladly say that that lifestyle is behind me now.

I was convicted the first time at age 17 $\frac{1}{2}$ or 18 for "Soliciting" a female police officer for relations in Flint, Mi., 67th District Court the County of Genesee. The disposition was a court appearance and a \$100.00 fine.

The second offense was "Cruelty to Animals" when I was 19 years old I was caught fighting American Pit Bull Terriers,typically a aggressive breed of dogs which I owned a kennel of and sold for profits. The penalty was the lethal gassing of two of my dogs which was involved,I only lost one dog because I refused the courts ruling and I was then sentenced to a fine and six months in jail,which my lawyer plea bargained down to 90 days in jail,I did 45 days as a inmate trustee and was awarded day for day and released with one year probation which I completed successfully.

*PLT. G.
Wth.*

Lastly, I was convicted of "Possession of Marijuana" most recently in 1992 leaving Chicago on my way to Flint, just across the Michigan State Line I was pull-over for speeding in Benton Harbor St. Joseph, Berrien County, 88th or 87th District Court I had approximately 3 grams of weed or two \$10.00 bags, one sealed and one with some reefer rolled into joints or cigarettes with some loose pot on a tray along with a six pack of beer.



Page 2

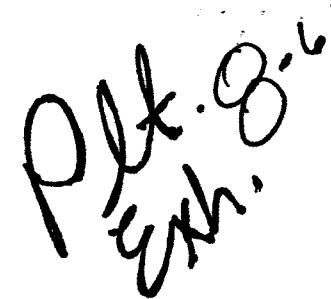
The disposition was a \$400.00 fine and I was released on a
own recognizance bond.

The above is the extent of my criminal past and future, hopefully.

Sincerely



Desmond G. Walters, M.A. (Candidate)
Social Welfare Worker



Michigan Certification
Board for Addiction Professionals

This certifies that

Desimond Girard Walters

has met the requirements for the

CAC-I

CERTIFIED ADDICTIONS COUNSELOR-LEVEL I

as established by the

Michigan Certification Board for Addiction Professionals

Effective on this Ninth day of September, 1997 Certificate
To expire on the Ninth day of September, 1999
Number
1-03386

R. D. R. , SPCT
Michigan Certification Board for Addiction Professionals



STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF COMMERCIAL SERVICES

In The Matter Of:

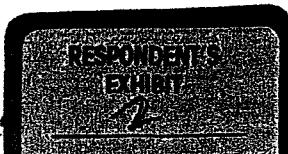
DESMOND G. WALTERS
1301 W. Stewart Avenue
Flint, MI 48504-2279

NOTICE OF DENIAL OF AN APPLICATION FOR
SOCIAL WORK TECHNICIAN LICENSE

NOTICE is herewith given that the Department of Consumer & Industry Services, Office of Commercial Services, (hereafter "Department"), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*, MSA 18.425(101) *et seq.*, (hereafter "Code"), and the Former Offenders Act, 1974 PA 381, as amended, MCL 338.41 *et seq.* has determined that the applicant is unqualified for the license or registration requested for lack of good moral character within the meaning of the Former Offenders Act. Accordingly, the APPLICATION FOR LICENSURE OR REGISTRATION IS HEREBY DENIED. The basis for the denial is as follows:

1. Certified copies of the Criminal Records (exhibit 1) for Case No. 80-1955 from the Sixty Eighth Judicial Circuit Court, Flint, Michigan, establish that Applicant pled guilty to the offense of Solicit Prostitution on or about August 9, 1980. Applicant was sentenced to thirty (30) days in jail; pay \$180.00 (One Hundred Eighty Dollars) fines and cost.
2. Certified copies of the Criminal Records (exhibit 2) for Case No. 81-914-FY from the Sixty Eighth Judicial District Court, Flint, Michigan, establish that Applicant pled guilty to the offense of Conspiracy to Commit Cruelty to Dogs

*Pkt. 8-9
Wth.*



on or about July 27, 1981. Applicant was sentenced to twelve (12) months probation.

3. Certified copies of the Criminal Records (exhibit 3) for Case No. 92-104284 from the Fifth Judicial District Court, St. Joseph, Michigan, establish that Applicant pled guilty to the offense of Controlled Substance-Possession of Marijuana on or about June 12, 1992. Applicant was sentenced to pay \$245.00 (Two Hundred Forty Five Dollars) fines/costs, or alternate twenty four (24) days in jail. On or about October 22, 1996, Applicant pled guilty to Time Pay Violation and was sentenced to pay \$100.00 fines/costs, or alternate ten (10) days in jail.

4. Certified copies of the Criminal Records (exhibit 4) for Case No. CTB95-343 from the Sixty Seventh Judicial District Court, Flint, Michigan, establish that Applicant pled guilty to the offense of No License In Possession on or about November 9, 1995. Applicant was sentenced to pay \$100.00 (One Hundred Dollars) fine; \$21.00 (Twenty One Dollars) costs; \$9.00 (Nine Dollars) judgement fee, or serve five (5) days in jail.

5. On March 24, 1997, the State of Michigan, Department of Consumer & Industry Services denied application for a Social Worker Registration (exhibit 5). On July 15, 1997, Applicant submitted an appeal for petition to review the denial for Social Worker Registration. The Board upheld the denial.

*PLT. 8/9
EPA*

The instant denial of a license or registration for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. THE APPLICANT IS HEREBY NOTIFIED that in the event the

Department determines that the applicant is unqualified for reasons other than lack of good moral character, the applicant will be notified by way of separate and different "NOTICE OF DENIAL."

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Department, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL," pursuant to Sections 515 and 516 of the Code file a written petition with the Department and the Board of Examiners of Social Workers setting forth those reasons why the Social Work Technician License should be issued. Said petition may rebut the evidence set forth in paragraph(s) 1, 2, 3, 4 and 5 above by showing that at the current time the applicant has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that the applicant has been rehabilitated, or that the substance(s) of the former offense(s) is/are not reasonably related to the practice of a Social Work Technician. Said petition may be accompanied by a brief summary of the incident(s) which led to the conviction(s) and the factors surrounding the incident(s); business/personal references; a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH A PETITION IS TIMELY FILED, the Department and the Board of Examiners of Social Workers will reconsider the application in view of the reasons set forth in the petition.

THERE WILL BE NO ADMINISTRATIVE HEARING HELD IN THE CONDUCT OF THIS REVIEW AND, THEREFORE, IT IS IMPORTANT THAT THE PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT SHOULD BE GRANTED A SOCIAL WORKER TECHNICIAN LICENSE.

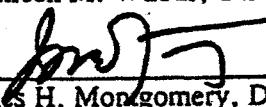
UPON COMPLETION OF THE REVIEW, THE APPLICANT SHALL BE NOTIFIED OF THE DECISION IN WRITING.

PLK: 8/9
Peggy

THE APPLICANT IS FURTHER NOTIFIED that this NOTICE OF DENIAL is considered FINAL as of the DATE OF MAILING unless a petition for review is received within thirty (30) days from the DATE OF MAILING.

MICHIGAN DEPARTMENT OF CONSUMER &
INDUSTRY SERVICES

Kathleen M. Wilbur, Director

By: 

James H. Montgomery, Director
Enforcement Division
Office of Commercial Services

DATED: 10/27/98

Written Petition to the Board Should be Addressed To:
Department of Consumer & Industry Services
Board of Examiners of Social Workers
P.O. Box 30018
Lansing, Michigan 48909

Plt. 8¹⁰
Leth.

the DataBase

P.O. Box 10832
Chantilly, VA 20153-0832

<http://www.npdb-hipdb.hrsa.gov>



DCN: 550000072781590
Process Date: 01/20/2012
Page: 1 of 2

WALTERS, DESMOND GIRARD

SENSITIVE INFORMATION ENCLOSED

To: WALTERS, DESMOND GIRARD

1301 WEST STEWART AVENUE

FLINT, MI 48504-2279

From: The National Practitioner Data Bank and The Healthcare Integrity and Protection Data Bank

Re: Notification of a Report in the Data Bank(s)

This notice is to inform you that the enclosed report of an action taken against you was recently submitted to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).

What are the NPDB and the HIPDB? The NPDB and the HIPDB are two separate Data banks operated by the U.S. Department of Health and Human Services.

The NPDB. Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986, as amended, established the NPDB. Title IV mandates that information on certain adverse licensure, clinical privileges, and professional society membership actions taken against physicians and dentists and information on medical malpractice payments made for the benefit of a health care practitioner be reported to the NPDB. Information on exclusions from the Medicare/Medicaid programs is also reported to the NPDB under separate authority. Hospitals and other health care entities, and state practitioner licensing boards are authorized to query the NPDB under Title IV.

Section 1921 of the Social Security Act, as amended by the Omnibus Budget Reconciliation act of 1990, expanded the NPDB to include new types of adverse actions and allowed new entities access to Section 1921 information. Section 1921 mandates that information on adverse licensure actions and negative actions or findings that a State licensing authority, peer review organization, or private accreditation organization has concluded against a health care practitioner or entity be reported to the NPDB. Hospitals and other health care entities, State practitioner and entity licensing agencies, Federal and State government health care programs, law enforcement agencies and quality improvement organizations under contract with the Medicare program are authorized to query the NPDB under Section 1921.

The HIPDB. Section 1128E of the Social Security Act as added by Section 221(a) of the Health Insurance Portability and Accountability Act of 1996, established the HIPDB. Section 1128E mandates that information on certain final adverse actions (e.g., licensure, civil judgment and criminal convictions related to health care, exclusions from Federal or State health care programs and certain other adjudicated actions and decisions) taken against health care practitioners, providers and suppliers be reported to the HIPDB. Federal and State government agencies and health plans are authorized to query the HIPDB.

Confidentiality.

All information in the NPDB and the HIPDB is considered confidential and is disclosed only to legally authorized queriers for specified uses. Disclosure or use of confidential information for other purposes is a violation of Federal law. Health care practitioners, providers and suppliers may query the Data Banks about themselves (self-query) and may share their self-query results with anyone they choose. Information in the Data Banks is NOT available to the public.

What does the report mean to you?

Plt. Exh. 10

the DataBase

P.O. Box 10832
Chantilly, VA 20153-0832

<http://www.npdb-hipdb.hrsa.gov>

DCN: 5500000072781590
Process Date: 01/20/2012
Page: 2 of 2
WALTERS, DESMOND GIRARD

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE
Basis for Action: FAILURE TO MEET THE INITIAL REQUIREMENTS OF A LICENSE (A1)

Name of Agency or Program That Took the Adverse Action Specified in This Report: STATE OF MICHIGAN/BUREAU OF HEALTH PROF.

Adverse Action Classification Code(s): DENIAL OF LICENSE RENEWAL (1148)

Date Action Was Taken: 12/15/2011

Date Action Became Effective: 12/15/2011

Length of Action: INDEFINITE

Total Amount of Monetary Penalty, Assessment and/or Restitution:

Is Subject Automatically Reinstated After Adverse Action Period Is Completed?: NO

Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: Mr. Walter's application for license of a licensed master's social worker in the state of Michigan was denied.

Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- If box is checked, this report has been disputed by the subject identified in Section B.
- If box is checked, at the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- If box is checked, at the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

Date of Original Submission: 01/20/2012
Date of Most Recent Change: 01/20/2012

END OF REPORT

Pkt. 10-2
Pgh

the DataBase

P.O. Box 10832
Chantilly, VA 20153-0832

<http://www.npdb-hipdb.hrsa.gov>

DCN: 5500000072781590
Process Date: 01/20/2012
Page: 1 of 2
WALTERS, DESMOND GIRARD

ADVERSE ACTION REPORT**STATE LICENSURE ACTION**

Report Number: 5500000072781590

This report is maintained under the provisions of:

Title IV (NPDB)

Section 1921 (NPDB)

Section 1128E (HIPDB)

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act, and 45 CFR Part 60. This report also is maintained in the Healthcare Integrity and Protection Data Bank, for restricted use under the provisions of Section 1128E of the Social Security Act, and 45 CFR Part 61. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of Federal law. For additional information or clarification, contact the reporting entity identified in Section A.

A. REPORTING ENTITY

Entity Name: STATE OF MICHIGAN/BUREAU OF HEALTH PROF
Address: 611 W. OTTAWA, P.O. BOX 30670
City, State, Zip: LANSING, MI 48909
Country:
Name of Office: HEALTH REGULATORY DIVISION/PAMELA MILLBE
Title or Department: BUREAU OF HEALTH PROFESSIONS
Telephone: (517) 373-4972

Entity Internal Report Reference:

Type of Report: INITIAL

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: WALTERS, DESMOND GIRARD
Other Name(s) Used:
Gender: MALE
Date of Birth: **/**/****
Organization Name:
Work Address:
City, State, ZIP:
Organization Type:
Home Address: 1301 WEST STEWART AVENUE
City, State, ZIP: FLINT, MI 48504-2279
Deceased: NO

Federal Employer Identification Numbers (FEIN):

Social Security Numbers (SSN): ***-**-****

Individual Taxpayer Identification Numbers (ITIN):

National Provider Identifiers (NPI):

Professional School(s) & Year(s) of Graduation: DEPAUL UNIVERSITY (1997)

Occupation/Field of Licensure (Code): SOCIAL WORKER (300)

State License Number, State of Licensure: NO LICENSE, MI

Drug Enforcement Administration (DEA) Numbers:

Unique Physician Identification Numbers (UPIN):

Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in the Reported Action.):

Business Address of Affiliate:

City, State, ZIP:

Nature of Relationship(s):

*Plt. 10³
EHR*

Approved, SCAO 92S03409/00 463

Original Complaint
Warrant - Court2nd Complaint copy - Prosecu
3rd Complaint copy - DefendantSTATE OF MICHIGAN
5TH JUDICIAL DISTRICTCOMPLAINT
MISDEMEANORCASE NO.
92A042845m
92S03409

ORI MI 110025J Court address 811 Port St., St. Joseph, MI 110015J Court telephone 983-1541

THE PEOPLE OF
 The State of Michigan v Defendant's name and address
 DESMOND GIRARD WALTERS
 7654 S LOOMIS BLVD
 CHICAGO, IL 60620

Victim or complainant

Complaining witness
JEFF MOORE

Co-defendant(s)

Date: On or about 06/11/92

| | | | | |
|-----------------------------------|-------------------------------|----------------------------------|---------------|-------------------------|
| City/Twp/Village 1-94 LAKE TWP | County in Michigan BERRIEN | Defendant CTN 11-92-200098-01 | Defendant SID | Defendant DOB 12/14/ |
|-----------------------------------|-------------------------------|----------------------------------|---------------|-------------------------|

| | | |
|---|---------------------------------------|---------------------|
| Police agency report no. MSP57 92-1217 | Charge CT 1) CONT SUBS-POSS MARIJUANA | Maximum penalty (A) |
|---|---------------------------------------|---------------------|

| | |
|-----------|---------------|
| Witnesses | Defendant DLN |
|-----------|---------------|

Tpr Joe Zangaro

Drug Lab Rep

STATE OF MICHIGAN, COUNTY OF BERRIEN

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

did knowingly and intentionally possess the controlled substance MARIJUANA;
Contrary to Sec. 333.7403(2)(d); MSA 14.15 (7403)(2)(d). [333.7403(2)(d)]

MISDEMEANOR: 1 year and/or \$1,000.00.

23 JUN 12

03 51

STATE OF MICHIGAN
DISTRICT COURT FOR COUNTY OF BERRIEN
I certify that I have compared this copy with the original
in this court & that it is a true copy of the whole of such
copy - 3 1997

By SUSAN B. GRECO
Deputy Clerk

Complaining witness signature

Subscribed and sworn to before me on JUN 18 1992

Date

Judge/court clerk signature

EXHIBIT 1A page 40 of 49

Warrant authorized on 12 June 1992 by:
 D. W. B.
 (Signature)
 Acting official

D-1

Community Recovery Services, Inc.

119 NORTH GRAND TRAVERSE • FLINT, MI 48503 • (810) 238-2068

April 1, 1996

Complaint from Fred Walker

RE: Desmond Walters

On April 1, 1996 at approximately 10:45 a.m., Fred Walker called to report that Desmond Walters was involved in several interactions outside of his clinical practice with him. It was stated by Fred that he and Desmond has attended the Final Assembly Bar and Strip show and also smoked marijuana together. Fred indicated that Desmond has somehow become attached to him in inconspicuous ways.

This report was given seemingly because Desmond called Fred's probation officer on Friday, March 29, 1996 and reported the Fred had received a dirty urine. Fred indicated that he should be getting off probation on April 7, 1996 and this could jeopardize his chances of being set free. Requested that Fred come in for an open discussion on resolving the matter.

This matter was brought to the attention of Kristie Schmiege, my Clinical Director at approximately 11:15 a.m. for further directives in handling the matter. It was recommended by Kristie that Desmond be given a urine test to Rule Out or Confirm any suspected drug use. Discussion continued with concrete ways of resolving the matter.

At approximately 1:45 p.m. an impromptu meeting was held with the Executive Director, Chris Flores, Clinical Director, Kristie Schmiege, Financial Director, Karen Trosko, and myself to continue discuss the complaint. It was concluded, as Kristie had indicated to give a drug test to Desmond.

At approximately 2 p.m. Desmond was called to my office with the Executive Director in attendance to explain the reasoning for requesting a urine test. This was done by the Executive Director. A limited number of questions were asked by Desmond and he agreed to submit to a drug test.

Continued discussion of the complaint will resume upon review of the drug analysis.

At approximately 4:40 p.m. Fred called to report that he had talked with his probation officer and The Honorable Judge Siegel to discuss the matter at hand. It was indicated that I call Judge Siegel to discuss his concern. Fred indicated that he will be getting off probation as scheduled on April 7, 1996.

Questioned Fred briefly on the validity of his statement. He assured me that it is truthful. He also agreed to come in on April 2, 1996 at approximately 11:30 a.m. to further discuss the complaint.

PLT. 11-8
6/14/96

Community Recovery Services, Inc.

119 NORTH GRAND TRAVERSE • FLINT, MI 48503 • (810) 238-2068

April 4, 1996

Desmond Walters
1301 W. Stewart Street
Flint, MI 48504

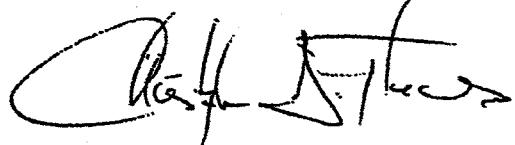
Subject: Termination of Employment

You are hereby terminated from employment with Community Recovery Services, Inc. for violation of Community Recovery Services, Inc. Code of Ethics #12 which states "Any use of illegal/non-prescribed drugs is strictly prohibited".

Please arrange to meet with Karen Trosko, Finance Director to discuss your benefits on termination.

Ulysses Brown, Site Supervisor will meet with you today to arrange a separation schedule.

Christopher Flores
Executive Director



Alt. 11-3
Pvt.

DEPARTMENT OF LABOR
MICHIGAN EMPLOYMENT SECURITY COMMISSION
REQUEST FOR INFORMATION RELATIVE TO PO: 063
ELIGIBILITY OR DISQUALIFICATION
Authorized by MCI 421.1 et seq.

406

COMMUNITY RECOVERY SERVS INC
119 NORTH GRAND TRAVERSE
FLINT MI 48503-5620

EMPLOYER NUMBER: 1028784 000

CLAIMANT: 385-74-3063
WALTERS DESMOND

PLEASE RETURN FORM TO:
MESC B.O. 063
5402 CLIO RD.
FLINT MI 48504

PHONE NO: (810)787-3300
FAX NO: (810)787-9678

This unemployment claim has a potential qualification/eligibility issue and is being investigated to determine what benefit entitlement, if any, the claimant has. Please answer the specific question(s) listed below which are based on the claimant's and/or employer's statement. Please submit all pertinent information, which you believe would be helpful in the proper disposition of the issue(s) involved. If necessary, use an additional sheet of paper to submit that information.

You are required to complete this form within 10 days whether you feel payment(s) on this claim should be allowed or denied. If a reply is not received within 10 days, a determination will be made on the basis of the available facts. You should retain a copy of this form for your records.

PLEASE GIVE, IN COMPLETE AND SPECIFIC DETAIL, ALL REASONS FOR CLAIMANT'S SEPARATION FROM YOUR EMPLOY.

PLEASE LIST ALL DISCIPLINARY ACTION INITIATED PRIOR TO SEPARATION.

HOW WAS CLAIMANT DETERMINED TO BE UNDER THE INFLUENCE OF INTOXICANTS OR OTHER SUBSTANCES? Please refer to termination letter that has been received by the claimant. Community Recovery Services is an outpatient Substance Abuse Treatment center and the claimant was a Substance Abuse Counselor. The Urinalysis test was followed by specific procedures by Corning Clinical Laboratories. Community Recovery Services followed all chain of custody procedures and the Urinalysis sample was monitored by a male administrator. The claimant voluntarily dropped the urinalysis sample.

Mailed Month 04 Day 11 Year 96 Claims Examiner J STAMBERSKY

REPLY

Claimant's First Day Worked: 8-2-95 Last Day Worked: 4-4-96 Date of Removal From Payroll: 4-12-96

Any further questions, please feel free to contact our office at 810-238-2068.

RECEIVED

APR 25 1996

MESC FLINT BO #63

Date: 4 18 96
Month Day Year
Phone: 1801 238-2068

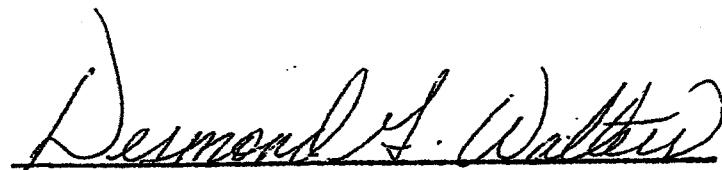
Loren Z. Tischko, Finance Director
Signature/Title
FAX: 1801 238-0155

IMPORTANT: You may receive a separate request for wage information.
IMPORTANT: Mail to the Branch Office of the Commission at the address entered at the top of this form.

April 11, 1996

To: Mr. Christopher Flores, Executive Director,

I, Mr. Desmond G. Walters, B.A. /FSAC, hereby request my employer, Community Recovery Services, to allow me to inspect and receive copies of any and all information in my Personnel Record that I am entitled to receive under the Michigan Employee Right to Know Act. I request that this opportunity be provided to me no later than April 22nd, 1996.



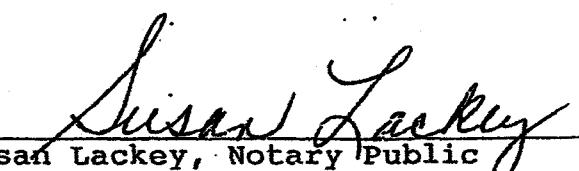
S.S. # 385-74-3063

ATTENTION:

I specifically request drug test results because under Michigan Law they are part of my file.

STATE OF MICHIGAN)
ss
COUNTY OF GENESEE)

Subscribed and sworn to before me, a Notary Public, this 11th day of April, 1996.


Susan Lackey, Notary Public
Genesee County, Michigan
My Commission Expires: 06/25/98

Pkt 11
Wth

Community Recovery Services, Inc.

119 NORTH GRAND TRAVERSE • FLINT, MI 48503 • (810) 238-2068

April 22, 1996

Desmond Walters
1301 W. Stewart Street
Flint, MI 48504

Please find enclosed copies of Urinalysis test and screen results from your personnel file, along with copies of an employee 90-Day evaluation. These copies were not included in the personnel file you received on 4-4-96. These copies were just recently filed in your personnel file.

If you have any questions, please feel free to call our office.

Sincerely,



Karen L. Trosko
Finance Director

Plt. 11-6
Pth.

MetPath of Michigan

4444 GIDDINGS ROAD • AUBURN HILLS, MICHIGAN 48326-1561
(810) 373-9120 • (800) 444-0106

FINAL REPORT

ORDER NUMBER

0926522643

RECEIVED DATE

04/01/96

REPORT DATE AND TIME

04/02/96 11:03

ACCT. NO.

154535

PATIENT NAME

THERS, DESMOND

DRAWN DATE AND TIME

04/01/96

BIRTH DATE

AGE

SEX

ID

CLIENT NAME AND ADDRESS

COMMUNITY RECOVERY SERVICES
119 N GRAND TRAVERSE
FLINT, MI
48503

8504

*

TESTS

RESULT

UNITS

RANGE

CELLANEOUS INFO

DRN #

404690

SPECIMEN INTEGRITY

SPECIMEN ARRIVED WITH SECURITY SEAL INTACT.

TEMPERATURE

WITHIN RANGE

HAIN OF CUSTODY

INTACT

SCREEN SCP

REATININE

1.65

CUTOFF 0.20 GM/L

MPHETAMINE

NEGATIVE

CUTOFF 1000 NG/ML

BNNABINODIDS (THC)

NEGATIVE

CUTOFF 100 NG/ML

ENCYCLIDINE (PCP)

NEGATIVE

CUTOFF 25 NG/ML

OCaine

NEGATIVE

CUTOFF 300 NG/ML

XATES

NEGATIVE

CUTOFF 300 NG/ML

IRBITURATE

NEGATIVE

CUTOFF 200 NG/ML

ODIAZEPINE

NEGATIVE

CUTOFF 200 NG/ML

AQUALONE

NEGATIVE

CUTOFF 300 NG/ML

NON-FEDERAL DRUG TESTING RESULTS

MET PATH 1 (B)

Plt. 11-1
Exh.

4424 GIDDINGS ROAD • AUBURN HILLS, MICHIGAN 48326-1581
(810) 373-9120 • (800) 444-0106

PARTIAL

ORDER NUMBER

05463443

NAME

M FERS, DESMOND

SEX

DRAWN DATE AND TIME

04/01/96

RECEIVED DATE

04/01/96

REPORT DATE AND TIME

04/03/96 9:44

AGE

10

CLIENT NAME AND ADDRESS

COMMUNITY RECOVERY SERVICES
119 N GRAND TRAVERSE
FLINT, MI
48503ACCT. NO.
15463

8504

TESTS

RESULT

UNITS

RANGE

3 SCREEN BCP

1.65

CUTOFF 0.20 GM/L

CREATININE

NEGATIVE

CUTOFF 1000 NG/ML

METHAMPHETAMINE

NEGATIVE

CUTOFF 100 NG/ML

THC

NEGATIVE

CUTOFF 25 NG/ML

PCP

NEGATIVE

CUTOFF 300 NG/ML

COCAINE

NEGATIVE

CUTOFF 300 NG/ML

OPIATES

NEGATIVE

CUTOFF 300 NG/ML

BUTALBITURATE

NEGATIVE

CUTOFF 200 NG/ML

DIAZEPAM

NEGATIVE

CUTOFF 200 NG/ML

THAQUALONE

NEGATIVE

CUTOFF 300 NG/ML

NON-FEDERAL DRUG TESTING RESULTS

BINOIDS

PENDING

Pkt. 11-8
Exh.

MetPath ONE (2)(C)

MetPath of Michigan

4444 GIDDINGS ROAD • AUBURN HILLS, MICHIGAN 48326-1561
(810) 373-9120 • (800) 444-0106

FINAL REPORT

ORDER NUMBER

044402104-93

REPORT DATE AND TIME

04/04/96 10:10

ENT. NAME

THERS, DERMUND

DRAWN DATE AND TIME

04/01/96

RECEIVED DATE

04/01/96

D/B/A/ BIRTH AGE

SEX

ACCT. NO

15403

INT ID

CLIENT NAME AND ADDRESS

COMMUNITY RECOVERY SERVICES
119 N GRAND TRAVERSE
FLINT, MI
48503

*

48504

| TESTS | RESULT | UNITS | RANGE |
|------------------------------------|----------|-------|-----------------|
| CANNABINOIDS CONFIRMED BY GC/MS | POSITIVE | * | CUTOFF 15 NG/ML |
| CANNABINOIDS | 27 | NG/ML | |

| SUMMARY OF RESULTS OUTSIDE ESTABLISHED REFERENCE RANGE | | | |
|--|----------|---|-----------------|
| CANNABINOIDS CONFIRMED BY GC/MS | POSITIVE | * | CUTOFF 15 NG/ML |

MET PATH 1 (D)

Plt. 11-9
Exh. 11-9

HURLEY

MEDICAL CENTER

DATE: 04/05/96

CHIEF COMPLAINT: NEED FOR DRUG SCREEN.

HISTORY OF PRESENT ILLNESS: THE PATIENT STATES HE WORKS IN A LOCAL DRUG REHAB PROGRAM. ONE OF THE CLIENT'S ACCUSED HIM OF SMOKING MARIJUANA. HE HAD A DRUG SCREEN AT HIS WORK AND IT CAME BACK MILDLY POSITIVE FOR CANNABIS. HE SAYS THAT HE HAS NOT BEEN SMOKING MARIJUANA AND HE WENT A SAW A LAWYER AND COMES IN FOR A DRUG SCREEN.

PAST MEDICAL HISTORY: HYPERTENSION. MEDICATIONS: CATAPRES. NO KNOWN ALLERGIES.

PHYSICAL EXAMINATION: THIS IS A 34-YEAR-OLD BLACK MALE WHO IS ALERT AND IN NO APPARENT DISTRESS. VITAL SIGNS: BLOOD PRESSURE 165/108, TEMPERATURE 99.4, PULSE 110. HE IS VERY ANXIOUS AT THIS TIME. RECHECK BLOOD PRESSURE IS 156/97 WITH A PULSE OF 103 AFTER THE PATIENT CALMS DOWN A LITTLE BIT. EXAMINATION REVEALS PUPILS WERE EQUAL, ROUND AND ACTIVE. LUNGS: CLEAR. HEART: REGULAR.

MEDICAL DECISION MAKING: THE URINE DRUG SCREEN WAS DONE. IT WAS NEGATIVE FOR CANNABIS.

IMPRESSION:

DRUG SCREEN.
HYPERTENSION.

SPOSITION: INFORMED PATIENT THE DRUG SCREEN WAS NEGATIVE AND HE IS SHOW WORK. IF ANY PROBLEM OR CONCERN HE IS WELCOME TO GET THE CORDS FROM MEDICAL RECORDS. SEE HIS LAWYER AS NEEDED.

STATED BY: JJ:GS
04/05/96 (14:41)
04/09/96 (2:06)

J. JOHNSON, DO

UNIDENTIFIED INFORMATION
(UR) Not to be released to
unauthorized persons

Pkt. 11-10
Exh.

D-7

EDMOND GIRARD

ATTENDING PHYSICIAN
C. WILLIAMS, DO

ADMISSION DATE
04/05/96

DISCHARGE DATE
04/05/96ER-DI

MEDICAL RECORD NO.
0198973

CO

Assessment and Diagnosis
The Initial Contact with Clients

c. GC/MS: The GC/MS, or gas chromatography/mass spectrometry test is a more sensitive and more expensive test than the EMIT. See Table 4 for a comparison of the EMIT and GC/MS test.

Table 4: Comparison of EMIT and GC/MS Test

Urine

| Drug | Approx. Duration of Detectability EMIT/GC/MS | Limits of Sensitivity | |
|---------------------------------------|---|-----------------------|-----------------|
| | | EMIT | GC/MS |
| Amphetamine | 48 hrs | 300 ng/ml | 150 ng/ml |
| Methamphetamine | 48 hrs | 300 ng/ml | 150 ng/ml |
| Barbiturates | | | |
| Phenobarbital | 24 hrs | 500 ng/ml | 150 ng/ml |
| Secobarbital | 24 hrs | 300 ng/ml | 150 ng/ml |
| Amobarbital | 48-72 hrs | 1000 ng/ml | 150 ng/ml |
| Bulebarbital | 48-72 hrs | 500 ng/ml | 150 ng/ml |
| Butalbitol | 48-72 hrs | 1500 ng/ml | 150 ng/ml |
| Phenobarbital | 7 days | 1000 ng/ml | 500 ng/ml |
| Benzodiazepines | 3 days | 300 ng/ml | 150 ng/ml |
| Cocaine | 2-4 days | 300 ng/ml | 150 ng/ml |
| Methadone | 3 days | 300 ng/ml | 150 ng/ml |
| Codeine | 2-4 days | 500 ng/ml | 150 ng/ml |
| Morphine | 2-4 days | 500 ng/ml | 150 ng/ml |
| Propoxyphene | 6-48 hrs | (GC/MS only) | 300 ng/ml |
| Norpropoxyphene | 6-48 hrs | (GC/MS only) | 300 ng/ml |
| <u>Cannabinoids</u> | <u>occasional user</u> | <u>100 ng/ml</u> | <u>20 ng/ml</u> |
| (Carboxy & Hydroxy Metabolites) | 3-10 days chronic user 1-2 months | | |
| Methaqualone | 7-14 days | (GC/MS only) | 150 ng/ml |
| Phencyclidine | 7-14 days | 75 ng/ml | 25 ng/ml |

* This table indicates, for example, that cannabinoids (marijuana) can be detected with the GC/MS when there is as little as 20 ng/ml (nanograms per milliliter) in the system of the user. With the EMIT, a person would need to have at least 100 ng/ml of the drug in his/her system for use to be detected.

Counselors should be aware that clients can adulterate their urine specimens in a number of ways. Common adulterants include soap, gum, sugar, and salt. When using drug screens in an inpatient setting, therefore, it is important to have clients wash their hands thoroughly, including under the fingernails.

State Of Michigan
In The Circuit Court for The County of Genesee

AMENDMENT
TO
CLAIM OF APPEAL

Desmond G. Walters, MA, LPC, CAC-1
1301 W. Stewart Ave.
Flint, Michigan 48504-2279

Pro Se
Claimant-Appellant- Petitioner

V.S.

Community Recovery Services, Inc.
711 North Saginaw Street
Suite 323
Flint, Michigan 48503-1703

Employer- Appellant- Respondent
&

Unemployment Insurance Agency, (f/k/a Michigan Employment Security Agency)
Michigan Department of Consumer & Industry Services- Board of Social Work

Appellee-Respondent

APPELLANT BRIEF

Issue(s) Involved In:

1. Use of Illegal Drugs. 3/29/96
2. Under the Doctrine of Employment At-Will

1. IS THE CLAIMANT DISQUALIFIED FOR BENEFITS AS PROVIDED FOR BY
THE DRUG TESTING PROVISION OF SECTION 29, (1) (M) OF THE MICHIGAN
EMPLOYMENT SECURITY ACT?

2. ALL EMPLOYMENT AT-WILL STATES RECOGNIZE CERTAIN STATUTORY
EXCEPTIONS TO THE DOCTRINE, WHILE MANY ALSO RECOGNIZE ONE OR
MORE COMMON-LAW EXCEPTIONS. WHICH EMPLOYMENT AT-WILL
EXCEPTIONS MICHIGAN RECOGNIZE?



Plt. 11-17

STATE'S
EXHIBIT
Y

Page 3

*Plt. 11-13
Wth.*

To Protect Your Rights, You Must Be On Time

**A State of questions involved in the appeal transcript of testimony and proceedings
before Referee Mark J. Hodgson on August 13, 1996 at Flint, Michigan.**

PROCEEDINGS

Referee..... B 96-08123

Page 4

The claimant is Desmond Walters the involved employer is Community Recovery Services, Incorporated.

The employer appealed a Commission redetermination which found that the claimant was not disqualified as provided for by the drug provisions of section 29 (1) (M) of the Michigan Employment Security Act.

This hearing is taken place in Flint, Michigan on August 13, 1996 before Referee Mark Hodgson.

When the issue is one of disqualification such as the drug provisions of the Michigan Employment Security Act, it is the employer's burden to go forward and show that the offense occurred, and that it in fact is disqualifying for the purpose for an unemployment compensation claims.

Referee: Now I've been on vacation for two weeks. I did not see this case before it was scheduled, okay? (page 4)

Referee: Any questions before we begin, Mr. Reinhardt? (page 6)

I've got a problem with the file as it exists.

Mr. Reinhardt: There is a form in there that has been submitted by the claimant regarding another screening, I don't know what you're going to do with those files. (page 7)

Referee: Well, that's for the claimant..... for the claimant to bring fourth by his agent. (page 7)

Plk. 11-14
Wth.

Page 5

Mr. Reinhardt: There is no one here to testify to that. (page 7)

Referee: It is just in the file for now. (page 7)

EXAMINATION OF MS. SCHMIEGE BY THE REFEREE:

Q= Questions

A= Answers

Q. Where do you work?

A. Community Recovery Services. (page 8)

Q. And, in what capacity?

A. Clinical Director (page 8)

Q. What is the facility license for?

A. Substance Abuse. Outpatient Substance Abuse Treatment and Prevention. (page 8)

Q. Do you know Mr. Walters?

A. Yes. (page 8)

Q. How do you know him?

A. We employed him. (page 8)

Q. What was the last date he ever worked there?

A. 4/3/1996. (page 9)

Q. And, what was his job there?

A. Substance Abuse Counselor. (page 9)

Q. Did he quit, was he laid-off, or discharged?

A. Discharged. (page 9)

Q. Was he told why he was being discharged?

A. Yes. (page 9)

Q. What was that reason?

A. It was for a drug test that was positive for marijuana, a gas chromatography mass

Plt. 11-15
Eth.

Page 6

test, which--- is a confirmatory test for drug screens. And, it quantified the amount of THC metabolized in the urine, which was 27 nanograms per milliliter. (page 9)

Q. Was Mr. Walters told he tested positive?

A. Yes. (page 10)

Q. Was that the only test performed?

A. No, that was the test that we requested of the lab, Their policy is that they don't want to do that confirmatory test unless you specifically request it, So, we had to request that specifically in that way. (page 10)

Q. Now, those tests

A. The first two were screens. The second one, or the last one was a confirmatory test. (page 11)

Q. On 100 nanogram what was the result?

A. Negative. (page 11)

Q. On 25 nanograms?

A. Positive. And, on the last confirmatory test they actually quantify the number, which came back at 27 nanograms per milliliter. It's a much more sensitive test -- sensitive in specific terms means that it rules out false positive and false negatives. (page 11)

Q. Did you supervise Mr. Walters?

A. Mr. Brown supervised him directly, and I'm over Mr. Brown. (page 12)

Q. Now, were these tests explained to Mr. Walters at the time he was discharged?

A. Honestly, No-- they were no. (page 12)

Q. When were you first aware that a sample was taken from Mr. Walters for drug testing?

A. The day it was taken. (page 14)

Q. And, that was the day of discharge?

A. No. (page 14)

Q. Do you know why that sample was taken?

A. Why it was taken? (page 14)

Plt. 11-16
EWT.

Page 7

Q. Yes.

A. Definitely, because a client had approached Mr. Brown, Mr. Brown approached me, I indicated that a drug test would be the best way to clear it up one way or the other. (page 14)

Q. Was there a allegation by the client--- on the client's part?

A. The allegation of the client was that Mr. Walters was smoking marijuana while attending strip bars with him, because, we recognized that we're dealing with Substance Abuser's, Criminal Justice Population, it made the most sense to me in order to clear Desmond's name, to have him drop a urine. (page 14)

Q. And, Mr. Walters agreed to the test?

Claimant: Yes, I did. (page 15)

Referee: Okay. Mr. Reinhardt?

Mr. Reinhardt: Just a couple questions. (page 15)

EXAMINATION OF MS. SCHMIEGE BY MR. REINHARDT

Q. Does the court then supervise your agency?

A. No, The State of Michigan license us to do substance abuse treatment. And, the local substance abuse coordinating body oversees everything. (page 15)

Q. Is the alternatives for your clients then some sort of incarceration? Are they ordered there by the court, is that what you're saying?

A. Yes, they are there by court order. (page 15)

Q. Subsequently are tested positive, is that reported back to the court?

A. It's not -- it's not reported in 100% of the cases, I'll say that. It's left to the therapist discretion to deal with the clients and their clinical responding, and to use their judgment. (page 16)

EXAMINATION OF MS. SCHMIEGE BY MS. JACKSON

Q. Ms. Schmiege, is it part of your work papers that you read, does it not say that you will test all your employees?

A. Well, it says that we test everybody at the time that they apply. (page 16)

Q. Do you do that?

A. Yes. (page 16)

Plt. 11-1
Exh.

Page 8

Q. At that time, how did Mr. Walters test out?

A. He tested negative. (page 16)

Q. At the beginning?

A. And, again that was a screening. We screen applicants. We don't do the confirmatory test. (page 16)

Q. So, do you follow your rules?

A. Yes. (page 16/17)

Q. As the person whose name is on this, who is Fred Walker, I can say it, I didn't sign anything. If he broke a law would it be up to your company to talk to his probation officer, or his court if he did something wrong?

A. I don't understand the question. (page 18)

Q. If you found that Fred Walker had done -- when he smoked marijuana was it reported back to the court? He said he smoked it?

A. Um-hum. (page 18)

Q. Did you report it back to the courts?

Mr Reinhardt: Don't answer that.

Ms. Schmiege: I can't answer that.

EXAMINATION OF MR. BROWN BY MS. JACKSON:

Q. Mr. Brown?

A. Yes. (page 25)

Q. Are you a counselor?

A. Yes, I am. (page 26)

Q. And, you have been counseling for quite a while?

A. Yes, I have. (page 26)

Q. Are you able to tell when a person is working is under the influence of marijuana?

A. Can I tell if he's working under the influence? If I check his eyes, maybe so. (page 26)

Q. Did you check Mr. Walters eyes?

PLT: 11-18
EJH

Page 9

A. No, because he wasn't working under the influence when I asked him to take the test. (page 26)

Q. Has Mr. Walters used marijuana, to your knowledge?

A. I can only go by what the drug test say. (page 26)

Q. I said to your knowledge?

A. I do not know. (page 26)

Q. Your direct knowledge?

A. I can only go by what the drug test say. (page 26)

Q. Well, I have a drug test here that says it is negative, would you go by that one?

A. It depends on how the test was taken. (page 26)

Q. Well, a test is a test.

Q. Why did Mr. Walker decide to tell on himself about smoking marijuana?

A. I can only tell you what the client told me as to why he filed a complaint. (page 26/27)

Q. What was that?

A. Well, he filed a complaint because Desmond told his p.o. that -- that he had dirty urine. And, that the client was supposed to be getting off of probation. So, by telling him about the dirty urine may have caused a problem with him getting off of probation. (page 27)

EXAMINATION OF MR. FLORES BY THE REFEREE:

Q. What's your full name?

A. Christopher John Flores. (page 29)

Q. Mr. Flores, do you know Mr. Walters?

A. Yes, I do. (page 29)

Q. Did you discharge him?

A. Yes, I did. (page 29)

Q. Did you do that in person?

Plt. 11-19
C.W.H.

Page 10

A. Yes, I did. (page 29)

Q. What did you tell him?

A. I told Mr. Walters that he was terminated from employment from Community Recovery Services for violation of our code of ethics, and for having tested positive for THC/ Cannabis. (page 29)

Q. What did he say when he was discharged?

A. Mr. Walters, at least to me, indicated that he appreciated the opportunity that we had given him for working there. And, that was it. (page 29)

Q. At any time did he offer an explanation for the test results?

A. I think later going out he indicated that he flat out denied usage. (page 30)

Q. Was he aware at the time he was separated from employment that three tests were done on the same urine?

A. I'm not sure, I informed Mr. Walters that there was a complaint. He was very well aware of it. And, that we would be doing a test. And, the best way to deal with it is to do a urinalysis test and to just eliminate this. He readily agreed to it, and I have a copy of it here for your review, we requested a gas mass profile. (page 30)

Q. And, if the gas chromatography was negative would he still have been employed there?

A. Yes, most definitely. (page 32)

EXAMINATION OF THE CLAIMANT BY THE REFEREE:

Q. Did you previously work for Community Recovery Service?

A. That is correct, I worked as a volunteer. I asked if I could earn 300 hours towards a CAC, and he agreed that was okay, that I could work there on a volunteer basis. You know, work with clients and stuff like that. So, that was two months prior. (page 33/34)

Q. Starting in June?

A. That's correct. (page 34)

Q. And, the last day you worked?

A. 4/4/1996, I was told I was terminated. (page 34)

Pkt. 11-20
Pkt. 11-20

Page 11

Q. Was that in a meeting?

A. Yes, it was. (page 34)

Q. Did they show you the result of the drug test?

A. No, they did not. (page 34)

Q. What's a confirmatory drug test, sir?

A. I guess it's some new invention, some test -- gas mask -- that's what I was told. I have never heard of it prior to that Thursday meeting. (page 34/35)

EXAMINATION OF THE CLAIMANT BY MR. REINHARDT:

Q. You worked there eight months?

A. That's correct -- 10 months. Eight months with pay. (page 40)

Q. What sort of training do you have, sir?

A. I have a college degree. (page 40)

Q. What's your college degree in?

A. Social Work, which is a related field -- human services. (page 40)

STATEMENT OF FACTS

1. (a) The Nature of The Action: Termination of employment of the employee-claimant-appellant.

1. (b) The Character of Pleading and Procedures: Breach of contract; wrongful discharge; intentional infliction of mental distress, slander and libel based on a parolee violator's accusations of smoking of marijuana and failure of employer to follow their own problem resolution procedures. "negligent promising".

1. (c) The Substance of Proof: (1) Drug testing results by the employers testing firm, Controversy as whether the tests were negative or positive. (2). Drug test results by Hurley Hospital ER., of Claimants done within 24 hours after discharge that was negative and Claimant/employee was to show work, Controversy as to whether this test was in the

*Plt. 11-2
Exh.*

file and therefore apart of the record for the hearing 8/13/96. (3). Claimant can without a doubt demonstrate that a grossly palpable error was committed by the employing unit which involves malice, perjury, and fraud as to the testing, according to The Association for Advanced Training in the Behavioral Sciences, 5126 Ralston Street, Ventura, CA. 93003 (800) 472-1931, AODA Counselor Home Study Manuel, Volume 1 (one), Table 4: Comparison of EMIT (urine) and Gas Chromatography /Mass Spectrometry Test, Limits of Sensitivity for Cannabis/Marijuana screens= 100 ng/ml and GC/MS= 20 ng/ml according to the AATBS © 1992, 2004 www.aatbs.com. (4). Dispute by Claimants as to whether I ever received a written copy of a Final Order 1/21/98 and/or Determination (allegedly) 3/19/98 were served, signed for by U.S. Postal Services which would have allow Claimant the right to be heard or a day in court according to The Constitution of The United States of America. (5). Controversy as to Claimant rights 10 years later, if there is no recourse, remedies and reparation available to him, what is the purpose of the "One Year Letter" issued 4/4/06 concerning a 4/9/96 benefits claim with UIA (f/k/a MESC), And a right to Appeal to Board of Review or Circuit Court on or before 9/25/06? To which Claimant is responding here-in. (6). Can it be "Vexatious Proceedings" merely wishing to annoy or embarrass the Claimant? More importantly, wasting of tax payers dollars for unnecessary procedures. (7). Five drug test results all in the file showing negative results, three done on one urine sample that was and is apart of the file on record 4/9/1996 submitted by the Claimant and is apart of the hearing, testimony and record of 8/13/1996 made reference to and their location on the tape by All Parties and Referee involved. (8). A non "at-will" employment contract/agreement application, also a CRS, Inc. employment obligation agreement signed by employee and executive director on 11/27/95 which is binding. (9). Proof of full-benefits-family, Life Insurance, Blue Cross/Blue Shield of Michigan, Optical, Guardian Dental and Salary at that time. (10). Dispute as to whether the Judge's Order and UIA Determination was timely within the 30 days. (11). Mrs. Kristie Schmeige was Claimants Clinical Supervisor for Social Work Technician Registration until alledged drug use issue for 10 months when Claimant prevails Claimant wants Court to order the Board of Social Work to honor the Social Work experience at CRS, Inc. and credit my required 24 months of experience from this body of work.

1. (d) Dates of Important Instruments and Events.

April 1, 1996. Complaint of Fred Walker to Community Recovery Services Inc. Stating Appellant and he smoked marijuana.

April 1, 1996. Urine test conducted on Appellant by the employer.

April 4, 1996. Termination of employment by employer.

April 9, 1996. Appellant filed for unemployment benefits (p. 61 of record of proceeding

Pkt. 11-2
GK

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF GENESEE

DESMOND G. WALTERS, MA,CAC 1,

HON.
Circuit Judge

Claimant-Appellant,

Case No. 97-59446-AE

v

COMMUNITY RECOVERY SERVICES, INC.,

Employer-Appellee.

**STIPULATION ADDING PARTY
APPELLEE AND RE-ENTITLING CAUSE**

IT IS HEREBY STIPULATED AND AGREED between the appellant and the Unemployment Agency, Michigan Department of Consumer & Industry Services f/k/a Michigan Employment Security Agency, that the Unemployment Agency, Michigan Department of Consumer & Industry Services be added as a party defendant and that the entitlement be amended to read as follows:

DESMOND G. WALTERS, MA,CAC 1,
Claimant-Appellant,

v

COMMUNITY RECOVERY SERVICES, INC.,
Employer-Appellee,

and

UNEMPLOYMENT AGENCY, MICHIGAN DEPT
OF CONSUMER & INDUSTRY SERVICES, (f/k/a
MICHIGAN EMPLOYMENT SECURITY AGENCY)
Appellee.

FRANK J. KELLEY, Attorney General
of Michigan

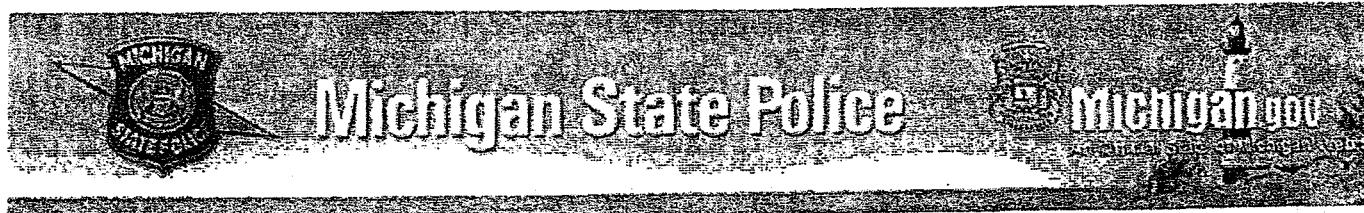
By:

Peter T. Kotula (P41629)

Assistant Attorney General
Attorneys for UA MDCIS
7310 Woodward Avenue
Detroit, MI 48202
(313) 876-5556

Desmond G. Walters, MA,CAC 1
1301 W. Stewart Avenue
Flint MI 48504-2279

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Exh.

[Michigan.gov Home](#)[ICHAT Home](#)[FAQs](#)[Contact State Police](#)[My Account](#)[Logoff](#)

Criminal Record Response

Data Searched on:

| Last Name | First Name | Middle Name | DOB | Race | Sex |
|-----------|------------|-------------|------------|------|-----|
| Walters | Desmond | G | ██████████ | U | M |

Based on the information provided, the following is a certified result of the search as of 11/30/2004 09:37:14 AM

**DO NOT TAKE ADVERSE ACTION
WITHOUT FIRST REVIEWING THIS RECORD WITH THE PERSON FOR WHOM
THE SEARCH WAS INITIATED**

A search on the name and identifiers provided has located the following criminal history record. The name search process may result in a match of a record having only some of the same identifiers. A record is provided if only the first and last name, race, sex and year of birth match. The process will not exclude a record when there are identifiers that do not match; such as social security number or birth month or birth day. The information on this record was provided on arrest of the fingerprinted subject. It is common practice for a person to use false identification when arrested. The attached information must be reviewed with caution and with the person for whom the search was initiated.

If the person denies that the criminal record pertains to him/her, this can be verified by fingerprints. The person should go to the nearest law enforcement agency and request to be printed on a state applicant fingerprint card for employment/volunteer/licensing purposes. This card is to be mailed to the Criminal Justice Information Center with a copy of this record and a letter requesting the Criminal Justice Information Center to verify that the enclosed criminal record does not pertain to him/her.

MICHIGAN CRIMINAL HISTORY RECORD INFORMATION MEETING DISSEMINATION CRITERIA
FOR SID: 1116053E AS OF 11-30-2004.

NAM: WALTERS/DESMOND/GIRARD/
RAC: B SEX: M DOB: ██████████
HGT: 602 WGT: 260 HAI: BLK
EYE: BRO POB: MI

SID: 1116053E

DLN: MI/W436139279949

SOC:

Plt. 13
EHR

PHOTO AVAILABLE: NO

SCAR/MARK/TATTOO: MISS L FGR

ADDITIONAL IDENTIFIERS AND COMMENTS:

STATE'S
EXHIBIT

B

ICHAT Conviction Record

DLN: MI/W536139279949

IL/W43616761355

CRIMINAL TRACKING NUMBER: 90-80-107512-01
 NAME USED: WALTERS/DESMOND/GIRARD/

INCIDENT DATE: 08-09-1980

| ARREST SEGMENT | : CHARGE SEGMENT | : JUDICIAL SEGMENT |
|--------------------------|---------------------|------------------------|
| DATE: 08-09-1980 | : DATA NOT RECEIVED | : DATE: 08-11-1980 |
| MI2539800 | : | : CNT-1 |
| PD FLINT | : | : SOLICIT |
| OCA: 72132 | : | : PROSTITUTION |
| 1 CNT OF 4000 | : | : DISP: FOUND GUILTY |
| COMMERCIALIZING SEX | : | : SENT/REMARKS: |
| DISP: CHGD BY PROSECUTOR | : | : F/C/R-\$180 CONF-30D |

CRIMINAL TRACKING NUMBER: 90-81-110646-01
 NAME USED: WALTERS/DESMOND/GIRARD/

INCIDENT DATE: 06-12-1981

| ARREST SEGMENT | : CHARGE SEGMENT | : JUDICIAL SEGMENT |
|-------------------|---------------------|-------------------------|
| DATE: 06-12-1981 | : DATA NOT RECEIVED | : DATE: 07-27-1981 |
| MI2539800 | : | : MI250035J |
| PD FLINT | : | : CT 68TH DIST FLINT |
| OCA: 72132 | : | : CFN: 81-913FY |
| 1 CNT OF 7300 | : | : |
| MISC PUBLIC ORDER | : | : CNT-1 MCL 750.50 |
| CRIME | : | : CONSPIR-MISDEMEANOR |
| | : | : ANIMALS - ABANDONING/ |
| | : | : CRUELTY |
| | : | : DISP: PLED GUILTY |
| | : | : SENT/REMARKS: |
| | : | : CONSPIRACY TO COMMIT |
| | : | : CRUELTY TO DOGS; PROB |
| | : | : 12M |

CRIMINAL TRACKING NUMBER: 90-84-105236-01
 NAME USED: WALTERS/DESMOND/GIRARD/

INCIDENT DATE: 04-16-1984

| ARREST SEGMENT | : CHARGE SEGMENT | : JUDICIAL SEGMENT |
|--------------------------|---------------------|------------------------|
| DATE: 04-16-1984 | : DATA NOT RECEIVED | : DATE: 05-10-1984 |
| MI2539800 | : | : MI250035J |
| PD FLINT | : | : CT 68TH DIST FLINT |
| 1 CNT OF 5500 | : | : |
| MISCELLANEOUS HEALTH & | : | : CNT-1 |
| SAFETY | : | : MISUSE OF ANIMALS |
| DISP: CHGD BY PROSECUTOR | : | : DISP: FOUND GUILTY |
| | : | : SENT/REMARKS: |
| | : | : F/C/R-\$205 CONF-30D |

CRIMINAL TRACKING NUMBER: 11-92-200098-01
 NAME USED: WALTERS/DESMOND/GIRARD/

INCIDENT DATE: 06-11-1992

| ARREST SEGMENT | CHARGE SEGMENT | JUDICIAL SEGMENT |
|--------------------------|-------------------------|-------------------------|
| ===== | ===== | ===== |
| DATE: 06-11-1992 | DATE: 06-11-1992 | DATE: 06-12-1992 |
| MI1105700 | MI110013A | MI110025J |
| MSP ST JOSEPH | PA BERRIEN CO ST JOSEPH | CT 05TH DIST ST JOSEPH |
| OCA: 57121792 | 1 CNT MCL 333.74032D | CFN: 1992A04284 |
| 1 CNT OF 3500 | MISDEMEANOR | CNT-1 MCL 333.74032D |
| MISDEMEANOR | CONTROLLED SUBSTANCE- | MISDEMEANOR |
| DANGEROUS DRUGS | POSSESSION OF | CONTROLLED SUBSTANCE- |
| DISP: CHGD BY PROSECUTOR | MARIJUANA | POSSESSION OF |
| | | MARIJUANA |
| | | DISP: PLED GUILTY |
| | | SENT/REMARKS: |
| | | F/C 245 OR JAIL 24 DAYS |
| | | ===== |

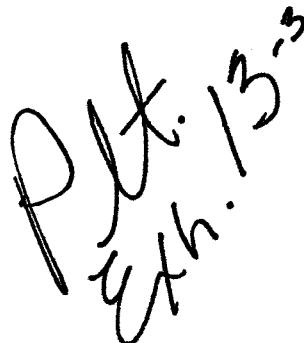
DISSEMINATION OF CRIMINAL HISTORY INFORMATION IS SUBJECT TO MICHIGAN & FEDERAL RULES & REGULATIONS. REFER TO LEIN ADMINISTRATIVE RULES & TITLE 28, USC. USE OF THIS RECORD IS LIMITED TO THE PURPOSE OF INQUIRY.

END MSG.

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[Privacy Policy](#) | [Link Policy](#) | [Security Policy](#)
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 Pkt. 13
 4th.

MetPath of Michigan
4444 GIDDINGS ROAD • AUBURN HILLS, MICHIGAN 48326-1561
(810) 373-9120 • (800) 444-0106

FLINT, MI

ORDER NUMBER

1P4444010640

PATIENT NAME

ALTERS, DESMOND

DRAWN DATE AND TIME

04/01/96

RECEIVED DATE

04/01/96

REPORT DATE AND TIME

04/04/96 10:10AM

ACCT. NO.

15405

DATE OF BIRTH

AGE

PATIENT ID

385743063

CLIENT NAME AND ADDRESS

COMMUNITY RECOVERY SERVICES
119 N GRAND TRAVERSE
FLINT, MI
48503

48504

| TESTS | RESULT | UNITS | RANGE |
|------------------------------------|----------|-------|-----------------|
| CANNABINOIDS CONFIRMED BY GC/MS | POSITIVE | * | CUTOFF 15 ng/ml |
| CANNABINOIDS | 27 | ng/ml | |

| SUMMARY OF RESULTS OUTSIDE ESTABLISHED REFERENCE RANGE | | |
|--|----------|-----------------|
| CANNABINOIDS CONFIRMED BY GC/MS | POSITIVE | * |
| | | CUTOFF 15 ng/ml |

Pkt. 13-A
Exh.

STATE'S
EXHIBIT

H

MetPath 1 (P)

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF COMMERCIAL SERVICES

In The Matter Of:

DESMOND GIRARD WALTERS
1301 W. Stewart Ave.
Flint, MI 48504-2279

NOTICE OF DENIAL OF AN APPLICATION FOR
A SOCIAL WORKER REGISTRATION

NOTICE is herewith given that the DEPARTMENT OF CONSUMER & INDUSTRY SERVICES, Office of Commercial Services, pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*, MSA 18.425(101) *et seq.*, (hereafter "Code"), and the Former Offenders Act, 1974 PA 381, as amended, MCL 338.41 *et seq.* has determined that the applicant is unqualified for the license or registration requested for lack of good moral character within the meaning of the Former Offenders Act. Accordingly, the APPLICATION FOR LICENSURE OR REGISTRATION IS HEREBY DENIED. The basis for the denial is as follows:

1. Certified copies of the Criminal Records (exhibit 1) for Case No. CTB-95-343 from the 67th District Court, Genesee County, State of Michigan Establish that the Applicant pled guilty to No License in Possession and was sentenced on or about November 9, 1995. The Applicant was ordered to pay a total of One Hundred Thirty (\$130.00) Dollars or serve 5 days in Jail.

*Plt. 13⁵
6th.*

EXHIBIT



2.

Certified copies of the Criminal Records (exhibit 2) for Case No. 92A-04284-SM from the 5th District Court, Berrien County, State of Michigan.
establish that the Applicant pled guilty to Possession of Marijuana on or
about June 12, 1992. The Applicant was sentenced to payment of Fines
and Costs of Two Hundred Forty-Five (\$245.00) Dollars or serve 24 days
in Jail. On or about October 22, 1996, the Applicant pled guilty to Failure
to Pay Fines and Costs and was sentenced to Fines and Costs of One
Hundred (\$100.00) Dollars or serve 10 days in Jail.

3

A copy of the Criminal History Record and a letter from the Applicant
(exhibit 3) establish that the Applicant was convicted of Misuse of Animals
on or about May 10, 1984 and Soliciting a Prostitute on or about August
8, 1980. The Applicant was sentenced to 30 days in jail and Fines, Costs
and Restitution of Two Hundred Five (\$205.00) Dollars for the Misuse of
Animals conviction. The Applicant was sentenced to 30 days in jail and
Fines, Costs and Restitution of One Hundred Eighty (\$180.00) Dollars for
the Soliciting a Prostitute conviction.

The instant denial of a license or registration for lack of good moral character shall not operate as a bar to denial of said application for other reasons if it should be subsequently determined that the applicant is otherwise unqualified. THE APPLICANT IS HEREBY NOTIFIED that in the event the Office of Commercial Services determines that the applicant is unqualified for reasons other than lack of good

moral character, the applicant will be notified by way of separate and different "NOTICE OF DENIAL."

YOU ARE HEREBY NOTIFIED that in the event you have relevant evidence of qualification not previously considered by the Office of Commercial Services, you may, within thirty (30) days of the date of mailing of this "NOTICE OF DENIAL," pursuant to Sections 515 and 516 of the Code file a written petition with the Office of Commercial Services and the BOARD OF EXAMINERS OF SOCIAL WORKERS setting forth those reasons why the SOCIAL WORKER REGISTRATION should be issued. Said petition may rebut the evidence set forth in paragraph(s) 1, 2 and 3 above by showing that at the current time the applicant has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that the applicant has been rehabilitated, or that the substance(s) of the former offense(s) is/are not reasonably related to the practice of social work. Said petition may be accompanied by a brief summary of the incident(s) which led to the conviction(s) and the factors surrounding the incident(s); business/personal references; a report from the applicant's rehabilitation specialist, if any, indicating the possibility of similar future incidents; a current report from the applicant's parole/probation officer, if pertinent; etc.

IF SUCH A PETITION IS TIMELY FILED, the Office of Commercial Services and the BOARD OF EXAMINERS OF SOCIAL WORKERS will reconsider the application in view of the reasons set forth in the petition.

Pkt. 13-1

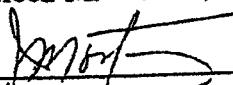
THERE WILL BE NO ADMINISTRATIVE HEARING HELD IN THE CONDUCT OF THIS REVIEW AND, THEREFORE, IT IS IMPORTANT THAT THE

PETITION COMPLETELY DETAIL THE REASONS WHY THE APPLICANT
SHOULD BE GRANTED A SOCIAL WORKER REGISTRATION.

UPON COMPLETION OF THE REVIEW, THE APPLICANT SHALL BE
NOTIFIED OF THE DECISION IN WRITING.

THE APPLICANT IS FURTHER NOTIFIED that this NOTICE OF DENIAL is
considered FINAL as of the DATE OF MAILING unless a petition for review is
received within thirty (30) days from the DATE OF MAILING.

MICHIGAN DEPARTMENT OF CONSUMER
AND INDUSTRY SERVICES
Kathleen M. Wilbur, Director

By: 
James H. Montgomery, Director
Commercial Enforcement Division
Office of Commercial Services

DATED: March 24, 1997

Written Petition to the Board Should be Addressed To:

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
Board of Examiners of Social Workers
P.O. Box 30018
Lansing, Michigan 48909

Pkt. 13⁹
Exh.

TO: Department of Consumer and Industry Services Board of Examiners of Social Workers.

Subject: A "Rewrite" of a Petition of Review of a Denial for a Social Work Technician License/ Registration.

November 23, 1998

Dear Department and Board members:

I, Desmond Walters take up my pen to assure you that granting me a registration /license at this time will not endanger any citizen of the State of Michigan. But first I would like to thank the Department and Board for allowing me this opportunity to make this appeal.

Following the first denial of my application I was upset and I apologize if I said anything rude to anyone I may have spoken to. My efforts were simply an attempt to provide a decent living for my daughter who I love dearly.

First of all, I feel that I have rehabilitated myself by way of completion of High school in April of 1980; Mott Community College in June of 1987 and the The University of Michigan (Flint) May 1991 and finally Graduate School at the Depaul University June, 1997. In addition during those times I was able to find employment I received Certificates of Completion or participation in Educational And Vocational training programs. In those jobs of serving the public I have always provided fair and honest services. Subsequent to the denial of the license I have provided the Board with the above documentation as well as references and proof of employment. Since I have not received confirmation that they have been received these documents I am enclosing a second set.

In a sincere effort to change my life I have worked diligently to remove the defects in my character that occurred earlier in my life. My faith in God has never wavered through this trying times. I would like to remind the Board that I have paid for my transgressions and accepted responsibility for those through fines and jail time. In short, I want to get on with my life and provide services to those who are in need of them.

As a result of my determination to serve my fellow men, I have done considerable research regarding others who have reformed and become licensed to practice an occupation. All of that led to my attaining a higher education. It also has paid off with an ability to conduct research findings. Such skills are a valuable asset to an employee as well as their employers and the public they serve. But more importantly I learned that there are provisions in the various statutes that allow someone such as myself who has made mistakes to overcome them by way of statutes of limitation.

I discovered after making my second application for a license on March 26, 1997 (a year after the first license was denied) that had I waited approximately ninety more days or on June 11, 1997 I would have automatically been qualified to be licensed. That was because the aforementioned misdemeanor offenses of 8-9-80; 7-27-81 and 6-11-92. Inasmuch as the Board rejected my license on 10-23-98 I feel the statute of limitations were in effect at that time. I quote from the Public Acts

Plt. 13-9
Exh. 1
STATE'S
EXHIBIT

N

1980-number 299, Article 6, PA 339.602 "...Penalty © denial of a License or Certificate of Registration and PA 339.604 Sec 604 ... Penalty (d) which states: "Commits or has committed a felony or a crime involving fraud or moral turpitude within the past five years." The first two exhibits (1) and (2) are far beyond the five years mentioned in the statutes or Board rules and regulations. In fact they are beyond the five year limitations by over three times. Seventeen and eighteen years is a very long time to keep me in a precarious position. I am sure that is why the Legislature provided the five year limit.

In short, I would like to plead with this Honorable body to please reconsider the decision of 10-23-98 and take into consideration not only the legal question involved but the fact I have rehabilitated myself completely and desire to serve my fellow man as provided in the enclosed documents. In summary, the public interest will be harmed if I am not licensed, they will have lost a dedicated and valuable servant who only desires to serve.

Thanking you in advance, I remain

Yours truly,

Desmond G. Walters
Desmond G. Walters, M.A. CAC-I

Applicant-Petitioner.

Enc:

DD FORM 214 (US. MARINE CORPS)
MICHIGAN OSAS CERTIFICATION PROGRAM (2)
CERTIFICATE OF ACHEIEMENT -MIDWEST INSTITUTE
CERTIFIED ADDICTIONS COUNSELOR LEVEL I CERTIFICATE
BACHELOR OF ARTS DEGREE- U OF M-FLINT
TRAINING CERTIFICATE-NATIONAL CRISIS PREVENTION INST.
MASTER OF ARTS - DEPAUL UNIVERSITY
LETTER OF REFERENCE - ASSOC PROF TACCARINO, DEPAUL UNIV
LETTER OF REFERENCE-OPPORTUNITIES NETWORKING SYSTEMS
LETTERS OF REFERENCE-DETROIT EAST INC.
LETTER OF RECOMMENDATION-CHAS B. THOMAS ASST PROF UM-F
LETTERS AND JOB DESCRIPTION- RENAISSANCE WEST.
REQUEST FOR TEMP LICENSE-DESMOND WALTERS (NOT RESPONDED)
REJECTION OF APPL- NEW CENTER CMH DETROIT.
MISC DOCUMENTS TO SUPPORT APPLICATION.

Plt. 13-10
Exh.

Michigan Certification Board for Addiction Professionals

This certifies that

Desmond Girard Walters

has met the requirements for the

**CERTIFIED ADDICTIONS COUNSELOR-LEVEL I
CAC-I**

as established by the

Michigan Certification Board for Addiction Professionals

| | | | | |
|-------------------|-------------|--------|----------------|-----------------------|
| Effective on this | Seventeenth | day of | September 2003 | Certificate Number |
| To expire on the | Seventeenth | day of | September 2005 | 1-03386 |

Michigan Certification Board for Addiction Professionals

**STATE'S
EXHIBIT**

6

| | | |
|----------------|----------|-------------------|
| Original Court | 3rd copy | Defendant |
| 1st copy | 4th copy | Prosecutor |
| 2nd copy | 5th copy | Board (if needed) |

JUDGE 1

Approved, SCAO

STATE OF MICHIGAN
7TH JUDICIAL CIRCUIT
GENESEE COUNTY CIRCUIT COURT

JUDGMENT OF SENTENCE
 COMMITMENT TO JAIL

CASE NO.

04-013409-FH-N

RI
I-250015JCourt Address
COUNTY CLERK
FLINT, MI 48502Court Telephone n.
810-273-3220

Police Report No. FPD2074203

 The State of Michigan

THE PEOPLE OF

V

Defendant's name, address, and telephone n.

DESMOND GIRARD WALTERS
1301 W STEWART
FLINT, MI 48504

| | | |
|-------------------------|-----|---------|
| CTN/TCN 250300489101 | SID | DOI |
| | | 1/14/61 |

HE COURT FINDS:

Defendant was found guilty on 10/22/04 of the crime(s) as stated below:

| Count | CONVICTED BY | | DISMISSED BY* | CRIME | CHARGE CODE(S) MCL citation/PAC/C code |
|-------|--------------|------------|---------------|---------------------------|---|
| | Plea | Court/Jury | | | |
| 1 | G | | | CNTRL SUB POSSESS <25 GRM | 333.74032A5 |
| 2 | | | NP | CNTR SUB DEL SCHED 1,2,3 | 333.74012B-A |
| 3 | | | NP | CS-MAIN/DRUG HOUSE/VEHICL | 333.7405D |

For plea: insert G for guilty plea, NC for nolo contendere, or MI for guilty but mentally ill. For dismiss 1: insert 1 for dismissed by court or NP for dismissed by prosecutor/plaintiff.

Defendant represented by an attorney: CLARK, HENRY J., JR.

IT IS ORDERED:

8. Defendant is sentenced to jail as follows: Report ac m.

| Count | Date Sentence Begins | Sentenced | | Credited | | To Be Served | | Release Authorized for the Following Purpose | Release Period From _____ To _____ |
|-------|-------------------------|-----------|------|----------|------|--------------|------|---|---------------------------------------|
| | | Mos. | Days | Mos. | Days | Mos. | Days | | |
| 1 | 11/24/04 | | 60 | | 5 | | 55 | <input type="checkbox"/> Upon payment of fine/costs <input type="checkbox"/> To work or seek work..... <input type="checkbox"/> For attendance at school.. <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other _____ | |

Defendant shall pay as follows: \$50.00 CRIME VICTIM FEE \$60.00 STATE MINIMUM COSTS
\$500.00 COURT COSTS \$420.00 TOTALThe due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Defendant shall serve ____ days in jail beginning ____ for failure to pay on time.

10. Defendant shall be placed on probation for 18 months and abide by the terms of probation. (see separate order.)

14. Other: DEPT TO SERVE IN THE GENESEE CO. JAIL WITH WORK RELEASE AND FOR MEDICAL TREATMENT. DEPT TO CONTINUE COUNSELING AT WOODWARD. DEPT TO REPORT THIS CASE TO THE DEPARTMENT OF LICENSING.

Pkt. 13-18
PLT. 13-18

November 24, 2004

(SEAL)

Geoffrey L. Neithercut
Judge/Magistrate GEOFFREY L. NEITHERCUT

MCL 765.15(2), MCL 769.16a, MCL 775.22, MCL 780.765, MCL 780.766

C 219 (9/03) JUDGMENT OF SENTENCE/COMMITMENT TO JAIL

STATE'S
EXHIBIT

T

Michigan Department of Community Health
 Board of Social Workers
 P.O. Box 30670
 Lansing, MI 48909
 (517) 335-0918
www.michigan.gov/healthlicense

APPLICATION FOR A BACHELOR'S SOCIAL WORK LICENSE

Authority: Public Act 368 of 1978, as amended.
 If this form is not completed, a license will not be issued.

DCHLSW-020 (02/06)

Page 1 of 2

Trans Info: 680221 12077192-1 05/23/06
 Date: 10/28/06 Fee: \$40.00
 ID: 38743063

Type or Print Only

I AM APPLYING FOR THE FOLLOWING:

Limited Bachelor's Social Work License Fee: \$ 40.00 71-6802-03
 Bachelor's Social Work License Fee: \$ 40.00 71-6802-01
 Bachelor's Social Work License by Endorsement Fee: \$ 40.00 71-6802-09

Registration Number

Date of Registration

W-426139271949

Your check or money order drawn on a US financial institution and made payable to the STATE OF MICHIGAN must accompany this application.
 DO NOT SEND CASH. Fees are deposited upon receipt and can only be refunded under refund rules promulgated by the Department.

| | | |
|--|--|---|
| First Name <i>Desmond</i> | Middle Name <i>Girard</i> | Last Name <i>Walters</i> |
| U.S. Social Security Number <i>██</i> | Date of Birth <i>████-████-████</i> | Daytime Telephone Number <i>(810) 347-9399</i> |
| Street Address <i>1301 W. Stewart Avenue</i> | | |
| City <i>Flint</i> | State <i>Mich.</i> | ZIP Code <i>48504-2279</i> |
| All Previous Names and/or Birth Name Used (if applicable) <i>N/A</i> | | |
| Have you ever held a health professional license in Michigan? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes | Michigan Registration Number and Expiration Date | |

Check the appropriate answer to each of the following questions. NOTE: Attach a detailed explanation for any Yes answer you check.

| | |
|---|---|
| 1. Have you ever been convicted of a felony? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Have you ever been convicted of a misdemeanor punishable by imprisonment for a maximum term of 2 years? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)? <i>1992-Marijuana/Weed</i> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Have you been treated for substance abuse in the past 2 years? <i>Over a year ago for 16 months in one and 6 months in another for total 22 months.</i> | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. Have you had 3 or more malpractice settlements, awards, or judgments in any consecutive 5 year period? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Have you had one or more malpractice settlements, awards, or judgments totaling \$200,000 or more in any consecutive 5 year period? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Have you ever had a federal or state health professional license or registration revoked, suspended, or otherwise disciplined; been denied a license; or currently have disciplinary action pending against you? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Have you ever been censured, or requested to withdraw from a health care facility's staff or had your health care facility staff privileges involuntarily modified? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

Plt. 131

The Department of Community Health will not discriminate against any individual or group because of race, sex, religion, age, national origin, marital status, disability or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

STATE'S EXHIBIT

W

DCH/LSN-020 (02/06)

Page 2 of 2

Name Desmond Girard Walters

9. Do you hold or have you held a social services technician registration or license in any state(s)?
 List each state, the license number, the date issued, and how it was obtained.
 DO NOT LIST TEMPORARY LICENSES. You must have each state board verify licensure directly
 to this board office. (Attach additional sheets if necessary.)

Yes No
 LPC SWK

| State | Permanent License Number | Date of Issue | Obtained by (Exam/Endorsement) |
|----------------|--------------------------|---------------|--------------------------------|
| Illinois - LPC | 178-002216 | 4-8-2002 | Exam - NCE |
| | | | |
| | | | |
| | | | |

EDUCATIONAL RECORD

Provide a chronological record of your educational preparation. Attach additional sheets if necessary.

| Name and Address of College | Major Area of Study | Degree | Graduation Date |
|--|------------------------|---------------------------|-----------------|
| C.S. Mott Comm. College 1401 E. Court St. Flint, Mi 48503 | Liberal Arts | Associate of Arts General | 1987 |
| University of Michigan - F 303 E. Kearsely St. | Social Work | Bachelor of Arts | 1991 |
| Flint, Michigan 48503 | SOCIAL WORK EXPERIENCE | | |

| FROM: (Month, Day, Year) | TO: (Month, Day, Year) | EMPLOYER'S NAME AND ADDRESS | POSITION OR TITLE HELD | HOURS PER WEEK | SUPERVISOR'S NAME AND REGISTRATION NUMBER |
|-----------------------------|---------------------------|--|---------------------------|-------------------|--|
| 8-1-91 | 11-1-92 | Thresholds - Outreach Worker 41st N. Ravenswood Chicago, Ill. 60613 | 40 | 68-01- | |
| 6-1-95 | 4-4-96 | Comm. Recovery Services 1110 E. Edd Baker Dr. Flint, Mi. 48507 | Substance Abuse Counselor | 40 | 68-01- |

I understand that it is the policy of this agency to secure a criminal conviction history as part of the pre-licensure screening process. I authorize this agency to use the information provided in this application to obtain a criminal conviction history file search from the Central Records Division of the Michigan Department of State Police or other law enforcement or judicial record-keeping organization.

I further consent to the release of information to this agency regarding any disciplinary investigations conducted by a similar licensure, registration, or specialty certification board of this or any other state, of the United States military, or the federal government, or of another country.

The statements in this application are true and correct. I have not withheld information that might affect the decision to be made on this application. In signing this application, I am aware that a false statement or dishonest answer may be grounds for denial of my application or revocation of my license and that such misrepresentation is punishable by law.

Signature of Applicant

Desmond G. Walters

Date

8-17-06

Off. 3
Exh. 1

Edmond S. Walter
8-22-06

Michigan Department of Community Health
Board of Counseling
P.O. Box 30670
Lansing, Michigan 48909
(517) 335-0918

Appropriate Question Responses
Application Question "Yes" Responses

Question 3: Have you ever been convicted of a misdemeanor involving the illegal delivery, Possession, or use of alcohol or a controlled substance (including motor vehicle violations)?

Answer: Yes, I have a misdemeanor conviction for the illegal possession of marijuana in 1992 during a motor vehicle traffic stop.

Question 4: Have you been treated for substance abuse in the past 2 years?

Answer: Yes, I entered treatment in January of 2004 and participated consistently in a eight week or two month program for sixteen months until I was kind of forced-out with an earned completion certificate and a good prognosis for continued sobriety. Then I enter a second program within the same week for another six months in another eight week or two month program for a total of twenty-two months almost two years of consecutive substance abuse treatment and participation in 2 different programs with another completion certificate and good prognosis for continued recovery. When if completion seeking I could have been done in the first programs eight weeks or 2 months due to no dirty urines and excellent attendance then this question here & now would be no.

Question 7: Have you ever had a federal or state health professional license or registration revoked, suspended, or otherwise disciplined; been denied a license; or currently have disciplinary action pending against you?

Answer: Yes, I have been denied a Social Work Technician Registration soley on the grounds of "Lack of Good Moral Character/Turpitude" on 3 separate application efforts over the past ten years.

End of "Yes" answers of questions asked on the State of Michigan licensing applications.

Pkt. 13.15
Exh.

Michigan Department of Community Health
 Board of Counseling
 P.O. Box 30670
 Lansing, MI 48909
 (517) 335-0918
www.michigan.gov/healthlicense

DCH/LCN-010 (02/05)

Page 1 of 3

Trans Info: 640109 12081716-1 08/23/06
 Chk# 1028163 Amt: \$115.00
 ID: 385743063

APPLICATION FOR LICENSURE AS A COUNSELOR

Authority: Public Act 388 of 1978, as amended
 If this form is not completed, a license will not be issued.

Type or Print Only

I AM APPLYING FOR THE FOLLOWING:

Professional Counselor License by Exam - Fee: \$115.00 71-6401-01
 Professional Counselor License by Endorsement - Fee: \$115.00 71-6401-09
 Limited Counselor License - Fee: \$80.00 71-6401-03
 Professional Counselor License, Grandfathering - Fee: \$115.00 71-6401-05

Board Use Only

License Number

Date of Licensure

Your check or money order drawn on a U.S. financial institution and made payable to the STATE OF MICHIGAN must accompany this application.
 DO NOT SEND CASH. Fees are deposited upon receipt and can only be refunded under refund rules promulgated by the Department.

| | | |
|---|----------------------------------|---|
| First Name <u>Desmond</u> | Middle Name <u>Girard</u> | Last Name <u>Walters</u> |
| U.S. Social Security Number <u>XXXX-XX-XXXX</u> | Date of Birth <u>XX-XX-XX</u> | Daytime Telephone Number <u>(810) 347-9399</u> |
| Street Address <u>1301 W. Stewart Avenue</u> | | |
| City <u>Flint</u> | State <u>Mich.</u> | ZIP Code <u>48504-2279</u> |
| All Previous Names and/or Birth Name Used (if applicable) <u>N/A</u> <u>N/A</u> <u>N/A</u> | | |
| Have you ever held a health professional license in Michigan? <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, list Michigan permanent I.D./license number and expiration date: _____ | | |

Check the appropriate answer to each of the following questions. NOTE: Attach a detailed explanation for any Yes answer you check.

| |
|--|
| 1. Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 2. Have you ever been convicted of a misdemeanor punishable by imprisonment for a maximum term of 2 years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)? <u>1992 of Marijuana/Weed</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Have you been treated for substance abuse in the past 2 years? <u>over 2 year ago for 16 months in one and 6 months in another for total 22 months.</u> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. Have you had 3 or more malpractice settlements, awards, or judgments in any consecutive 5 year period? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 6. Have you had one or more malpractice settlements, awards, or judgments totaling \$200,000 or more in any consecutive 5 year period? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

*Pkt. 1
Exhibit*

The Department of Community Health will not discriminate against any individual or group because of race, sex, religion, age, marital status, disability or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act your needs known to this agency.

STATE'S
EXHIBIT

X

Name
Desmond Girard Walters

Provide a description of your professional counseling experience.
Attach additional sheets if necessary.

| Name and Address of Employer | Dates of Practice From | To | Duties |
|---|---------------------------|---------|--|
| Detroit East CMH 9141 E. Jefferson 48214 Detroit, Mich. 48214 | 12/97 | 2/22/98 | individual and group counseling, networking, reporting case mgt, referral etc. |
| Renaissance West CMH 13940 Fireman Detroit, Mi. 48224 | 2/20/98 | 7/27/98 | individual and group counseling, drug screening, Intakes Assessments networking, case mgt, Diagnosis, Imp. |
| New Era Alternative Tx CTR. C-3083 Flushing Rd. Flint, Mich. 48532 | 8/1/98 | 11/1/98 | Intake Assessments, Diagnostic Impressions, individual counseling referrals, Networking etc |
| ParkView Counseling 18641 W. 7 mile Rd. Detroit, Mich. 48211 | 3/24/99 | 8/30/99 | individual Counseling, Case Mgt, networking, referrals, reporting |
| Spectrum Programs, Inc. 11031 N.E. 6th Ave. Miami, Florida 33161-7182 | 3/1/00 | 9/1/00 | Case Mgt, Drug Screening individual and group counseling, Networking, referrals, Family Therapy |

CERTIFICATION

I understand that it is the policy of this agency to secure a criminal conviction history as part of the pre-licensure screening process. I authorize this agency to use the information provided in this application to obtain a criminal conviction history file search from the Central Records Division of the Michigan Department of State Police or other law enforcement or judicial record-keeping organization.

I further consent to the release of information to this agency regarding any disciplinary investigations conducted by a similar licensure, registration, or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country.

The statements in this application are true and correct. I have not withheld information that might affect the decision to be made on this application. In signing this application, I am aware that a false statement or dishonest answer may be grounds for denial of my application or revocation of my license and that such misrepresentation is punishable by law.

Signature of Applicant

Desmond R. Walters

Date

8-21-06

PLT: 13-17
WCH

NOID for
Bachelor Social Work

NOID for Counselor

Both on basis of prior denial
No lack of good moral character +

Michigan Department of Community Health
 Board of Counseling
 P.O. Box 30670
 Lansing, MI 48909
 (517) 335-0918
www.michigan.gov/healthlicense

Applied 9/2006

10/23/06 NDID in PROCESS

WITHDRAWN & PPL 2/21/07

DEBT

NDID because of
 previous denial by
 PPL - Board needs
 to review app

APPLICATION FOR LICENSURE AS A COUNSELOR

Authority: Public Act 368 of 1978, as amended
 If this form is not completed, a license will not be issued.

Type or Print Only

I AM APPLYING FOR THE FOLLOWING:

Professional Counselor License by Exam - Fee: \$115.00 71-6401-01
 Professional Counselor License by Endorsement - Fee: \$115.00 71-6401-09
 Limited Counselor License - Fee: \$80.00 71-6401-03
 Professional Counselor License, Grandfathering - Fee: \$115.00 71-6401-05

Date of Licensure

W 436 139 279 949

Your check or money order drawn on a U.S. financial institution and made payable to the STATE OF MICHIGAN must accompany this application.
 DO NOT SEND CASH. Fees are deposited upon receipt and can only be refunded under refund rules promulgated by the Department.

| | | |
|---|------------------------------------|---|
| First Name <i>Desmond</i> | Middle Name <i>Girard</i> | Last Name <i>Walters</i> |
| U.S. Social Security Number <i>[REDACTED]</i> | Date of Birth <i>[REDACTED]</i> | Daytime Telephone Number <i>(810) 931-5157</i> |
| Street Address <i>1301 W. Stewart Avenue</i> | | |
| City <i>Flint</i> | State <i>Mich.</i> | ZIP Code <i>48504-2279</i> |
| All Previous Names and/or Birth Name Used (if applicable) | | E-Mail Address |
| Have you ever held a health professional license in Michigan? <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, list Michigan permanent I.D./license number and expiration date: <i>[REDACTED]</i> | | |

Plt. 13-18
 9/11.

Check the appropriate answer to each of the following questions. NOTE: Attach a detailed explanation for any Yes answer you check.

1. Have you ever been convicted of a felony?
 Yes No
2. Have you ever been convicted of a misdemeanor punishable by imprisonment for a maximum term of 2 years?
 Yes No
3. Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)?
 Yes No
4. Have you been treated for substance abuse in the past 2 years?
 Yes No
5. Have you had 3 or more malpractice settlements, awards, or judgments in any consecutive 5 year period?
 Yes No
6. Have you had one or more malpractice settlements, awards, or judgments totaling \$200,000 or more in any consecutive 5 year period?
 Yes No

Name

Desmond Girard Walters

Page 1 of 4

Provide a description of your professional counseling experience.
Attach additional sheets if necessary.

| Name and Address of Employer | From | To | Duties |
|---|------------|-----------|---|
| Detroit East CMH 9141 E. Jefferson Detroit, Mich. 48214 | 12-22-1997 | 2-23-1998 | individual and group Counseling with DD/MIA clients, Case Mgmt, Network and Referrals etc. |
| Renaissance West CMH 13940 Tireman Detroit, Mich. 48224 | 2-23-1998 | 7-27-1998 | individual and group Counseling, Take Assessments, diagnostic impressions, Case Mgmt, drug Screens etc. |
| New Era Alternative Treatment G-3083 Flushing Road Flint, Mich. 48532 | 8-1998 | 11-1998 | 1:1 Counseling sessions, Intakes, Biopsychosocial, diagnostic impressions, Referrals, drug Screens etc. |
| Parkview Counseling Center 989 University Drive Pontiac, Mich. 48342 | 3-15-1999 | 8-12-1999 | 1:1 Counseling sessions, Couples sessions, networking, Referrals, drug Screens etc. |
| Spectrum Programs, Inc. 140 NW 59th Street Miami, Florida 33127 | 3-2000 | 9-2000 | Individual and Group Work, diagnostic impressions, Case Mgmt, Court reporting, drug Screens etc. |

CERTIFICATION

I understand that it is the policy of this agency to secure a criminal conviction history as part of the pre-licensure screening process. I authorize this agency to use the information provided in this application to obtain a criminal conviction history file search from the Central Records Division of the Michigan Department of State Police or other law enforcement or judicial record-keeping organization.

I further consent to the release of information to this agency regarding any disciplinary investigations conducted by a similar licensure, registration, or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country.

The statements in this application are true and correct. I have not withheld information that might affect the decision to be made on this application. In signing this application, I am aware that a false statement or dishonest answer may be grounds for denial of my application or revocation of my license and that such misrepresentation is punishable by law.

| Signature of Applicant | Date |
|------------------------|----------|
| Desmond G. Walters | 3-3-2009 |

PLT. 13-19
W.H.



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

MEMORANDUM

TO: Sherri Johnson, Manager
Allegation Section

FROM: Rae Ramsdell, Licensing Director
Licensing Division

SUBJECT: Desmond G. Walters
SS#: ~~3~~ 111-11-1111
Applicant for Licensure - Counseling

DATE: April 30, 2009

Information provided for the captioned applicant does indicate that the applicant lacks the propensity to serve the public in a fair, honest, and open manner.

Applicant has had previous denial by Board. Board needs to review application.

Please proceed with a notice of intent to deny licensure for this applicant.

Attachment

Approved: Melanie Brim
Melanie Brim, Bureau Director

C: Applications Section

Set up file 6/1/09
ZB

Pkt: 13-20
COKH:

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
Board of Social Work & Board of Counseling
P.O. Box 30670
Lansing, Michigan 48909
(517) 335-0918

AFFIRMATIVE QUESTION RESPONSES

NOTE: Application(s) questions "Yes" Responses

1. Have you ever been convicted of a felony ?

Answer: Applicant/Respondent in reply to "Yes" answers on his application(s) now amends his plea to nolo contendere and/or the fifth amendment pursuant to MCL 333.1670a, sec. (2-3).

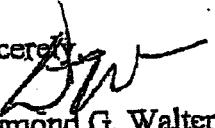
3. Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or used of alcohol or a controlled substance (including motor vehicle violations) ?

Answer: Applicant/Respondent has one misdemeanor conviction for illegal possession of marijuana in June 1992 during a motor vehicle stop. Since then, Applicant has completed three court-ordered substance abuse programs in January 2004, May an November of 2005. The last program completion was in compliance with the Boards et al., mandate of rehabilitation and good moral character pursuant to MCL 339.510. [with attachments].

The End of "YES" answers of questions asked on the State of Michigan, Department of Community Health Applications for health licensure in 2009.

RESPECTFULLY SUBMITTED,

Sincerely,


Desmond G. Walters
Applicant/Respondent

*PLT-B
Jch.*

State Of Michigan
In The Circuit Court for The County of Genesee

AMENDMENT
TO
CLAIM OF APPEAL

Desmond G. Walters, MA, LPC, CAC-1
1301 W. Stewart Ave.
Flint, Michigan 48504-2279

Pro Se
Claimant-Appellant- Petitioner

V.S.

Community Recovery Services, Inc.
711 North Saginaw Street
Suite 323
Flint, Michigan 48503-1703

Employer- Appellant- Respondent
&

Unemployment Insurance Agency, (f/k/a Michigan Employment Security Agency)
Michigan Department of Consumer & Industry Services- Board of Social Work

Appellee-Respondent

APPELLANT BRIEF

Issue(s) Involved In:

1. Use of Illegal Drugs.
2. Under the Doctrine of Employment At-Will

3/29/96

PLT. 13-22

1. IS THE CLAIMANT DISQUALIFIED FOR BENEFITS AS PROVIDED FOR BY THE DRUG TESTING PROVISION OF SECTION 29, (1) (M) OF THE MICHIGAN EMPLOYMENT SECURITY ACT?
2. ALL EMPLOYMENT AT-WILL STATES RECOGNIZE CERTAIN STATUTORY EXCEPTIONS TO THE DOCTRINE, WHILE MANY ALSO RECOGNIZE ONE OR MORE COMMON-LAW EXCEPTIONS. WHICH EMPLOYMENT AT-WILL EXCEPTIONS MICHIGAN RECOGNIZE?

STATE'S
EXHIBIT

Y



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

December 2, 2004

RECEIVED

DEC 10 2004

7th Circuit Court
Attention Court Clerk
900 S. Saginaw St.
Flint, MI 48502

BUREAU OF HEALTH PROFESSIONS
COMPLAINT & ALLEGATION DIVISION

Subject: Request for CERTIFIED Court Documents

RE: WALTERS, Desmond G., SWT
D.O.B.: 12/14/1961
CASE #: 04-013409FH

Our Department has received information that charges have been filed in your court on the above named health professional who is licensed or seeking licensure through our agency. Because of this information, we are conducting an investigation.

Please supply us with a CERTIFIED copy of the following documents (a true copy is not sufficient for our purposes):

| | | |
|--|---|--|
| <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Plea Agreement | <input checked="" type="checkbox"/> Docket/Register of Actions |
| <input checked="" type="checkbox"/> Information | <input type="checkbox"/> Ticket | <input checked="" type="checkbox"/> Sentencing/Judgment |
| <input type="checkbox"/> Indictment | <input checked="" type="checkbox"/> Probation Order | <input type="checkbox"/> Dismissal Order |
| <input type="checkbox"/> Defendant's Sentencing Memorandum | | <input type="checkbox"/> Jury Verdict Form |
| <input type="checkbox"/> Warrant | | |

Plt. 14

See enclosed

If you have any questions or encounter a problem with this request, please contact me at (517) 335-4334. Your assistance with this matter is appreciated.

Sincerely,

Pamela Dixon, Departmental Analyst
Complaint & Allegation Division

Please Forward Certified Copies To:

Pamela Dixon
Complaint & Allegation Division
Bureau of Health Professions
Department of Community Health
P.O. Box 30670
Lansing MI 48909-8170



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

JANET OLSZEWSKI
DIRECTOR

MEMORANDUM

DATE: January 10, 2005

TO: Sherri Johnson
Allegation Section
Complaint and Allegation Division

FROM: Pamela Dixon, Departmental Analyst
Allegation Section
Complaint and Allegation Division

SUBJECT: WALTERS, Desmond G., SWT Pending
Contingent File #68-04-97471

This Criminal Contingent File was opened on December 2, 2004, upon receipt of information from Kennon DeWitt, Assistant Prosecuting Attorney, 7th Circuit Court, forwarding information that Mr. Walters had been convicted of Possession of Controlled Substance less than 25 grams. The offense took place on or about October 16, 2003.

All standard documents were requested from the 7th Circuit Court. Certified copies of the documents were received on December 10, 2004.

Case 04-013409FH

On October 22, 2004, Mr. Walters pled guilty to Controlled Substance Possession less than 25 grams. On November 24, 2004, Mr. Walters was sentenced to serve sixty days jail with five days credit with work release and medical treatment, placed on probation for eighteen months with terms, ordered to pay fine and costs totaling \$620, to continue counseling at Woodard and report this case to the Department of Licensing.

Mr. Walters did not contact the Board to report the aforementioned criminal conviction.

No complaint files and no additional contingent files are listed on Workflow or Licensure 2000. A SOS record and a LEIN were completed.

The licensing screen shows that Mr. Walters applied for a Social Work Technician license. On December 6, 2000, a request for Intent to Deny referred to CAD was entered. On February 1, 2000, a hold was placed on Mr. Walters's application.

I recommend this file be closed, No Action Taken, pending licensure application.

Sherri Johnson
Sherri Johnson

1-25-05

Date

County of Genesee



Pre-Trial Services

Jon Care, Director

ADMINISTRATION
(810) 257-3486

FAX
(810) 257-0520

McCREE COURTS & HUMAN SERVICES BLDG.
630 S. SAGINAW ST.
FLINT, MICHIGAN 48502-1529

DENTRAL INTAKE
(810) 257-3486

CITIZENS PROBATION AUTHORITY
(810) 257-3480

COMMUNITY CORRECTIONS
(810) 257-3020

BOUND OVER TO CIRCUIT COURT REPORT

TO: The Honorable Geoffrey L. Neithercut

FROM: Central Intake, Barbara Andrews

RE: WALTERS, Desmond

DOCKET NO.: 04-13409-FH

CHARGE: 1) PWID Cocaine<50 Grams
2) PWID Codeine
3) Maintaining a Drug House

CURRENT BOND: \$5,000 PR SR

ATTORNEY: Henry Clark, Jr., Retained

DATE: January 27, 2004

Desmond Walters has a current bond of \$5,000 PR with supervised release through Pre-Trial Service - Central Intake with the following conditions of release: 1) Not to use alcohol and/or any controlled substance, 2) Be evaluated by IARC, 3) Submit to drug testing, 4) Live at 1301 W. Stewart Avenue, Flint, 5) Not to be employed at a bar and/or any establishment that serves alcoholic beverages, 6) Maintain employment, and 7) Not to possess a firearm and/or any dangerous weapon.

Since being referred for supervision, the defendant has complied with the requirements of release in a *satisfactory* manner. Mr. Walters has kept 3 of 3 scheduled appointments with Central Intake and all Court appearances to date. The defendant was evaluated by IARC on January 10, 2003, and met DSM IV criteria for alcohol abuse. IARC recommended outpatient treatment at Woodward Counseling. Mr. Walters started treatment at Woodward Counseling on January 22, 2004.

The defendant submitted to drug testing on January 23, 2004. The results were negative.

Mr. Walters claims to be self-employed, working with DW Moving and Hauling. The defendant lives at the required address with his mother.

It is respectfully recommended that bond remain the same.

Reviewed By: BA/rm

BA/rm

Plt. 14-3
Wth.

STATE OF MICHIGAN
68TH JUDICIAL DISTRICT



JUDGE WILLIAM H. CRAWFORD II • JUDGE HERMAN MARABLE, JR. • JUDGE MICHAEL D. McARA, Chief Judge Pro Tem
JUDGE NATHANIEL C. PERRY III • JUDGE RAMONA M. ROBERTS, Chief Judge • LYNETTE M. WARD, Court Administrator

To: Michigan State Police

From: Charles Overman, Records Technician

Date: May 12, 2006

Subject: Walters/Desmond Girard CTN 908410523601 incident date 4/16/1984

Upon the request of the defendant who is disputing a charge on his criminal record, I researched the following charge in question:

Incident date: 4/16/1984: 1 CNT of 5500 Misc Health & Safety

Dispo: 5/10/1984 Misuse of Animals

CTN: 908410523601

The defendant also gave me a copy of his booking card he had received from the Flint Police Department and compared the items in question to his criminal history/lein.

I was not able to locate the charge with the 4/16/1984 date; I checked both our state and local, City of Flint Records.

Looking at CCH, I also noticed that there was not an OCA number, like the rest of the charges.

Our records do indicate that in 1981 (81-913FY) that defendant was charged with a similar charge, and maybe it was entered incorrectly creating a problem.

Either way, I am not able to locate the 4/16/1984 charge.

If you have any questions, please contact me at 810-766-8996.


Charles Overman
Records Tech.

cc: D Walters

630 S. SAGINAW STREET
FLINT, MICHIGAN 48502-1526
(810) 766-8968
FAX (810) 424-4499

Plk. 14-4
Exh.

CONFIDENTIAL

DBS/041/98

MEMORANDUM

DATE: May 26, 1998

TO: Mr. Desmond Walters
Chemical Dependency Component

FROM: Ms. Daisy Barlow-Smith, ACSW
Executive Director

RE: EMPLOYMENT STATUS

Per our conversation on Friday, 5/22/98, I am allowing you thirty (30) days (6/27/98) to clear up the benchmark warrant on your record. Furthermore, you are aware that in order to remain employed at Renaissance West, you must obtain your Michigan social work license. You have sixty (60) days (7/27/98) to comply with this directive. Failure to do so will result in immediate termination.

I wish you the very best in clearing your record, allowing you to proudly exemplify your professionalism.

/mh

cc: Mr. J. Milanowski
Personnel

Plt. H.S
Gth.

JENNIFER GRANHOLM
GOVERNOR



STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LANSING

DAVID HOLISTER
DIRECTOR

September 14, 2005

Desmond G. Walters
1301 W. Stewart Avenue
Flint, MI 48504

Dear Mr. Walters,

Your case is being closed with Michigan Rehabilitation Services because of no vocational
impediment to employment.

If you do not agree with this decision to close your case, you may appeal the decision within 30
days by writing to Ms. Jaye N. Balthazar, State Director, Michigan Department of Labor and
Economic Growth, Michigan Rehabilitation Services, P.O. Box 30010, Lansing, MI 48909.
You may also informally discuss this issue with Suzanne Howell, M.A., District Manager, 760-
2103.

A copy of the brochure "How to Appeal Decisions Made by Michigan Rehabilitation Services"
is enclosed. You also may contact the Client Assistance Program at 1-800-292-5896
(voice/TTY) if you would like further information or assistance in appealing the decision to close
your case.

Sincerely,

Bruce Daily
Bruce Daily, M.S./LPC
Rehabilitation Counselor

Enclosure

PLT: 14-6

21
SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Office for Civil Rights
U.S. Department of Health
and Human Services
233 N. Michigan Avenue
Suite 240
Chicago, Illinois 60601

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Alvita D. McSee Agent Addressee

B. Received by (Printed Name)

Alvita D. McSee 6-15-12

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

*Received
6-25-2012*

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7010 2780 0002 6809 4161

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box *

Mr. Desmond G. Walters
1301 W Stewart Ave.
Flint, MI 48504-2279

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Delivery and Mail Order Service Contract is provided)

For delivery information visit www.usps.com

CHICAGO, IL 60601 OFFICIAL USE

| | |
|---|----------|
| Postage | \$ 5.65 |
| Certified Fee | \$ 2.95 |
| Return Receipt Fee (Endorsement Required) | \$ 2.35 |
| Restricted Delivery Fee (Endorsement Required) | \$ 0.00 |
| Total Postage & Fees | \$ 10.95 |

0532 1100
06/13/2012
Postmark
Here

7010 2780 0002 6809 4161
Sent to
US Depart. of Civil Rights
Street, Apt. No.
or PO Box No.
City, State, ZIP+4
233 N. Michigan Avenue
Chicago, Illinois 60601

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Desmond Girard Walters

(b) County of Residence of First Listed Plaintiff Genesee
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

1301 W. Stewart Avenue
Flint, Michigan 48504-2279

II. BASIS OF JURISDICTION* (Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES* (Place an "X" in One Box Only)

(1) Citizen Plaintiff
Citizen DEF
Citizen 4
Citizen 5
Foreign Country 6

Case: 2:13-cv-11989
Judge: Rosen, Gerald E.
MJ: Komives, Paul J.
Filed: 05-03-2013 At 03:38 PM
CMP Walters v. Michigan, State of (krk)

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | | TORTS | | FORFEITURE/PENALTY | | BANKRUPTCY | | OTHER STATUTES | |
|---|--|---|--|---|--|-----------------|--|-------------------|--|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> PERSONAL INJURY | <input type="checkbox"/> 610 Agriculture | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment | | | | |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice | <input type="checkbox"/> 620 Other Food & Drug | <input type="checkbox"/> 423 Withdrawal | <input type="checkbox"/> 410 Antitrust | | | | |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 28 USC 157 | <input type="checkbox"/> 430 Banks and Banking | | | | |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 630 Liquor Laws | <input type="checkbox"/> 450 Commerce | | | | | |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 640 R.R. & Truck | <input type="checkbox"/> 460 Deportation | | | | | |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 650 Airline Regs. | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations | | | | | |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 660 Occupational Safety/Health | <input type="checkbox"/> 480 Consumer Credit | | | | | |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 490 Cable/Sat TV | | | | | |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | | | <input type="checkbox"/> 810 Selective Service | | | | | |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | | | <input type="checkbox"/> 850 Securities/Commodities/ Exchange | | | | | |
| <input type="checkbox"/> 195 Contract Product Liability | | | | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 | | | | | |
| <input type="checkbox"/> 196 Franchise | | | | <input type="checkbox"/> 890 Other Statutory Actions | | | | | |
| REAL PROPERTY | | CIVIL RIGHTS | | PRISONER PETITIONS | | SOCIAL SECURITY | | FEDERAL TAX SUITS | |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | | | | |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> Habeas Corpus: Accommodations | <input type="checkbox"/> 720 Labor/Mgmt. Relations | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 871 IRS—Third Party | | | | |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 530 General | <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 26 USC 7609 | | | | |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 740 Railway Labor Act | <input type="checkbox"/> 864 SSID Title XVI | | | | | |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 865 RSI (405(g)) | | | | | |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | | | | | | |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | | | | | | | |
| | | | | <input type="checkbox"/> IMMIGRATION | | | | | |
| | | | | <input type="checkbox"/> 462 Naturalization Application | | | | | |
| | | | | <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee | | | | | |
| | | | | <input type="checkbox"/> 465 Other Immigration Actions | | | | | |

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity.)

Title II-9.2000 - Title II-2.1000 (2) & (3)

Brief description of cause:

Discrimination under Title II of the ADA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

5 Million

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Mark A. Randon

DOCKET NUMBER

09-13294

ATE

August 21, 2012

OR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Desmond Girard Walters

5-3-2013

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed? Technically

Yes
 No

If yes, give the following information:

Court: U.S. District Court

Case No.: 09-13294

Judge: Mark A. Rondon / Bernard A. Friedman

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes
 No

If yes, give the following information:

Court: 30th Circuit Court of Claims

Case No.: 12-70-MZ

Judge: Rosemarie E. Aquilina

Notes :

In 2011 under executive order of the new governor the name of the Public Entity was changed, there is a new Director of the Bureau of Health Professions therefore in strict interpretation this is a new case - technically. I'm not a lawyer and I'm not trying to be one here or elsewhere, I'm just trying to represent myself to the best of my ability to get justice for a violation of my Civil Rights.

Desmond S. Wallace